A REPLY TO D. VVHITE AND D. FEATLY:

Who haue vndertaken to shew a Visible Protestant Church in all Ages, by naming, prouing, and defending Visible Protestants in all Ages, out of good Authors.

THE FIRST PART.

In which is shewed, that neither they, nor any other, haue performed this vndertaken Taske, in such methode and manner as M. Fishers *Questiō (proposed to the sayd Deuines in a Conferēce) required: And much leße haue they, or can they, or any other, shew such a Visible Protestant Church in all Ages, and Nations, as Christs true Church is (in the Propheſies and promiſes of holy Scripture) described. Whence it followeth, that the Protestant Church, is not the true Church of Christ.*

Their seed shalbe knowne in Nations, and their offeringes in the middest of the people: All that shall see them, shall know them, because these are the seed which our Lord hath Blessed. *Isa. 61. Vers. 9.*

Permiſſu Superiorum, M. DC. XXVI.

REPLY

TO D. VVHITE

IN this first Part (besides D. White and D. Featly) diuers other Protestant VVriters, to wit, M. Bernard; M: Rogers; the Authour of the Booke called, The perpetuall Visibility; the Authour of the Booke called, Luthers Predecessours; & D. Vshers Sermon, all treating this Question, are examined, and refuted.

THE PREFACE TO THE READER.

GENTLE READER.

I ſuppoſe thou mayſt haue heard of a Conference betweene *D. VVhite* and *D. Featly* Proteſtant-Miniſters on the one ſide, and *M. Fisher*, and *M. Sweet* Ieſuits on the other ſyde; in which (both partyes being agreed, that the true Church of Chriſt (of which men are to learne true, diuine infallible Fayth neceſſary to ſaluation) hath bene and muſt be viſible in all ages) the Queſtion propoſed by *M. Fisher* (at the intreaty of an old Gentleman, who deſired ſatisfaction,)

was. *Whether the Protestant Church had bene alwayes visible? And whether the names of Visible Protestants in all ages, could be produced out of good Authors?*

The which Question being explicated, and a methode prescribed by *M. Fisher*; in a paper sent to the Doctours before the meeting (as is declared in the Catholique Relation of that Conference) the Doctours did vndertake to shew a visible protestant Church in all ages, both by a Syllogisme, and by an Induction of Names of Visible men, whom the said Doctours should out of good Authors proue, & defend to haue bene Protestãts, & consequẽtly (according to the methode prescribed) they ought to haue named men in all pages, differing in Fayth from Roman Catholiques, and agreing in the same Protestant Fayth, and Religion which is contayned in the 39. Articles (vnto which all English-Protestant-Ministers are bound

See the Answere to a Pamphlet called, Fisher catched in his owne Net.

bound to subscribe) without contradicting, and condemning any of them.

It therfore, hath bene expected, that the Doctours, who did make this bold offer (seconded with a promise of performance, made by the right Honorable Earle of Warwicke in their behalfe) would not haue failed in their printed Books to set downe a complete Catalogue of the Names of Protestants in all ages, with proofes and defences sufficient to shew a Visible Protestant Church in all ages, and to confront those Catalogues of Catholique Romane professors, which are set downe by *Gualterus* in his *Tabula Chronographica*, by *M. Fisher* in his Reply to *M. VVotton* and *M. VVhite*, by S. N. in his *Appendixe to the Antidote* (lately defended by L. D.) and others. But hauing perused the late printed Bookes which these two Doctours haue set out against *M. Fisher*, and also the bookes of diuers other Pro- Ibid.

testant Ministers, who (perceauing this Question to touch deeply the credit & life of their Protestant Church, which either must be shewed alwayes visible, and of an vnchanged Fayth, or must be denied not to be Christs Church) haue endeauored to make Answere, and in the best sort they could, to shew a Visible Protestant Church; yet I cannot find, that any one of them hath giuen a good answere to *M. Fishers* Question: neither is there hope (as will appeare by the ensuing examination of euery one of their seuerall Answers, and by the Replyes made vnto them) that either they, or any other can giue good answer to this Question. And therfore I hope, that euery one (who is not wilfully blynde, or carelesly negligent in a matter which so much importeth, and neerly concerneth his saluation) will consider of the case, and finding (as by this ensuing discourse he will finde)

that

that no sort of Protestants, or any other sect of ancient or moderne Heretikes can (as the Roman Catholique can) shew their Church to haue bene alwayes visible, and neuer to haue changed the first receiued Fayth; he will (as I wish) resolue, that no sort of Christians, differing in doctrine of Fayth from the Romane Church, are, or can be Christs true Church; and therupon will determine to renounce all vpstart Nouelty of whatsoeuer Hereticall Congregation, and imbrace the most ancient, and neuer changed Fayth of the Roman Catholique Church.

A TA-

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THE

THE I. CHAPTER.

About the Vtility of M. Fishers *Question (requiring Names of Visible Protestants in all Ages, out of good Authors) for finding out the true Church, and, by it, the true Fayth.*

BEFORE I begin to examine and reply vpon the Answers of such as haue vndertaken to answer *M. Fishers* question, I think it will not be amisse to make a brief recapitulatiō of some part of that which *M. Fisher* hath set downe more at large, in a booke called *The Treatise of Fayth*, and in his Reply to *M. Antony Wotton*, and *M. Iohn white* Ministers, who wrote against that Booke. For although, I could wish that euery one (who is desirous of satisfaction about the whole foundation and frame of that one, true, diuine, infallible, entire Fayth, which is necessary to saluation) would get, and read those bookes themselues, in which he may find prooued at large that which heere I intend briefly to intimate; yet in regard

that euery one cannot get those Bookes, nor haue leasure to read them, I desire the Reader at least to obserue & beare in mynd, especially these most profitable, necessary, and important truthes. First, that there is one infallible, entire Fayth, without which it is vnpossible to please God and to attayne saluation. Secondly, that the only ordinary infallible meanes to attayne this Fayth, is neither Scripture alone, nor the naturall wit of any man, nor priuate spirit, but the teaching of the true, continually Visible Church of Christ. Thirdly, that the easiest and readyest way, to discerne this true visible Church of Christ, from all Hereticall Conuenticles, who may pretend to teach the pure doctrine of Christ, is by help of histories, to finde which of all visible sorts of Christians, that be now in the world, can shew a visible, well proued, vninterrupted Catalogue, and as it were pedegree of Pastours teaching, & people belieuing the first receiued Fayth of Christ in all ages, without any change. As to discerne the present lawfull heyre of an vnstayned ancient Family, from all bastardly brood of such, as may pretend (as euery one may pretend to be lawfull heyre of that family, by saying they haue the vnstayned bloud in their bodyes of the first Aunceſtor) the easiest and readyest way, were by help of historyes to finde which of the Pretendours can shew a visible, well proued, vninterrupted pedegree of his vnstayned predeceſſours, vpward vnto, or downward frō the said first Ancestour.

See the Treatise of Fayth. And the Reply to *M. VVotton* and *M. VVhite* in defence of it. *Eph.* 4. 5. *Hebr.* 11. 6. *Rom.* 10. 14. 15.

For like as, after such a pedegree being shewed by one, the like wherof could not be shewed by any other, euery one would presently iudge, and say certainly, *This man is lawfull heyre*; Neither would they regard the other Pretendours Plea of hauing in their bodyes the first ancestours pure bloud, as knowing that this

this is, or may be a common Plea of all Pretendours, and that about this Plea endleſſe arguments may be made, to and fro, without hope that this Queſtion ſhould euer be decided, vntil this dilatory Plea ſet aſide, Hiſtoryes be pretended, and out of them Names of men be ſhewed, who were knowne, or comonly held to be the lawfull heyres in euery ſeuerall Age of that firſt Anceſtor, and who conſequently had his true bloud in their body: Euen ſo, after one ſort of Chriſtians, to wit Roman Catholiques, haue (as already they haue) ſhewed ſuch a viſible, well proued, vninterrupted Catalogue, and as it were pedegree of the Names of Paſtours in all ages teaching, and people belieuing the firſt receiued Fayth of Chriſt, without change, the like wherof no other ſort of Chriſtians can ſhew; euery one may, and ought preſently to iudge, that according as was prophecyed by Iſay, *Iſti ſunt ſemen cui benedixit Dominus*; Theſe are the ſeed which our Lord hath Bleſſed, to wit, with his promiſed ſpirit, and Word of Truth, as the ſame prophet teſtifyeth, *My ſpirit which is in thee, and my words with I haue put in thy mouth, ſhall not depart out of thy mouth, nor out of the mouth of thy ſeed, nor out of the mouth of thy ſeeds ſeed, from henceforth for euer*; eſpecially when the conſent of Hiſtoryes do teſtify, that theſe haue ſucceſſiuely had, and yet haue, viſible Poſſeſſion of the houſe, goods and lands of Chriſt; to wit, the viſible Church (in which is all truth of heauēly doctrine, and all grace of holy Sacraments) vnto which belonge all Nations, which by the gift of his eternall Father was made Chriſts inheritance, and therfore theſe are moſt certainly Chriſt his true heyres, and haue true Authority to teach true doctrine, and miniſter Sacraments; & doubtleſſe do teach his true doctrine, and rightly adminiſter his true Sacraments. Whatſoeuer

See Gualterus his Tabula Chronographica, & others.

Iſa. 61. 9. Iſa. 59. 20. Pſal. 2. 8.

therfore other sorts of christians, different from these shall plead, and say, We haue Christs true spirit, we teach pure doctrine, we rightly administer his Sacraments; this their Plea must not be regarded, in regard this is the common Plea of all Pretendours; about which, endlesse Arguments may be, and are made to and fro, without hope to decide the Question, vntill this plea set aside, Historyes be produced, and out of them Names of men be shewed, who were in euery seuerall age knowne to be lawfull heyres of christ, and to haue had by succession visible possession of Christs house, his church, and his goods, the true doctrine and Sacraments, and his lands, to wit, his Inheritance of all Nations.

Now this being obserued and borne in mynde, I hope the discreete Reader will make good benefit of this ensuing discourse, and will see, that *M. Fishers* question was, and is very profitable, necessary, and important, both for confirmation of Roman Catholikes in their Fayth, and resolution to continue in vnity of the Roman church; and to make Protestants see, that they are not the true church of christ, and consequently, that it is impossible for them to please God, or to attayne saluation (according to the ordinary course of gods Prouidence) vnlesse they (forsaking their new-found no-Fayth, and no-church) repent, and returne to that One, Holy, Catholique, Apostolique, alwayes Visible, Vnchanged and Infallible Roman Fayth, and church, which can, and already hath, in diuers printed Books shewed a visible (well proued, and easy to be defended) catalogue of the Names of Pastours teaching, and people beleiuing in all ages, the vnchanged Fayth of Christ; the like whereof no Protestant, or whatsoeuer other sort of christians, euer did, or can shew

shew for confirmation of their Fayth and church, as now I am to declare by examining and replying vpon such as haue of late endeauoured to answer M. *Fishers* Question aforesaid.

THE II. CHAPTER.

In which, M. Fishers *Question is explicated, and* D. Whites, *and* D. Featlyes *Answere giuen in the Conference, is shewed to haue byn very deficient.*

THOSE that haue read, or shall read a Booke lately set out, called: *An answere to a Pamphlet, intituled: Fisher catched in his owne net*; will easily see by the occasion and end of the Conference related in that booke, Ca. 4. §. 1. & 2. that the true meaning of M. *Fishers* Question, was as followeth.

Whether the Protestant Church was visible, and so visible in all ages, as the Names of the Professours of their Fayth, may be found in good Authours? And in case any say, (as D. *Featly* said) that such men be found in good Authors, M. *Fishers* question required, 1. That such mens Names be actually set downe in all ages. 2. That good proofes be brought out of good Authors, that ech man named was a Protestant, that is to say, differed in Fayth from the present Romane Church, and agreed in Fayth with the present English Protestant Church, which

requireth euery Miniſter to ſubſcribe to all their 39. Articles, and excommunicateth all that deny any part of the ſaid Articles. 3. That he which ſetteth downe the Names, do defend againſt *M. Fisher* and *M. Sweet*, that none of the men named, did differ in Fayth from the Proteſtant Engliſh Church, nor condemne any one of the 39. Articles; The which, when it ſhalbe performed, *M. Fisher* did, and doth yet, vndertake in a like proportionable ſenſe, 1. To ſet downe Names of Roman Catholiques in all ages. 2. To bring proofes out of good Authours, that euery one by him named, was a Rom. Catholique, that is to ſay, differed in Fayth from the preſent Proteſtant Church, and agreed in Fayth with the preſent Rom. Church. 3. To defend againſt D. *White* and D. *Featly*, that none of the men whom they ſhall name, did cõdemne any one point of doctrine of Rom. Fayth, defined in the Councell of Trent.

Alſo in the ſaid Anſwer to the Pamphlet aſoreſaid, it may be ſeene, how *D. Featly* and *D. White*, inſteed of performing what *M. Fisher* had required, did endeauour what they could, to ſpend the tyme otherwiſe in Impertinencies, without euer offering to ſet downe (which ſhould haue ben firſt done) Names of particuler Proteſtants, vntill they were by the often vrging of *M. Fisher* and *M. Sweet*, and at laſt euen by Proteſtant Auditors, forced to name ſome; and then alſo they did not, as the Queſtion required, name men in al ages, but only in the firſt or ſecond age; neither did they Name any one confeſſed Proteſtant, nor any ſuch as they ould proue, or defend to be Proteſtants, in manner oreſaid; for although *D. Featly* offered to diſpute about oſefew he named, yet this was only done either to ke occaſion to break off the Conference, or that he might

might in a cunning manner, change the state of the Question, and so diuert the Audience from obseruing his want of ability to performe his vndertaken taske of naming Protestants in all ages, which by the Order prescribed in the explication of *M. Fishers* question, should haue been first, and fully done before any proof were brought.

The prooses which he intended to bring (as *M. Fisher* had reason to coniecture by the rest of the whole course of his speach in the Conference) were not such as the Question required, to wit, producing good Authors, who did plainly shew those he named to be Protestants, but by alleadging of particuler texts of scripturs, or sentences of Fathers, about the sense whereof he knew he could so wrangle with his Aduersary without end, that the Audience shoud neuer cleerly vnderstand of what Religion those were which he named, whiles he would wrest the words to one sense which his aduersary vnderstood in another; which course or Method of prouing had ben to no purpose, but to spend the tyme without fruite, or euer coming to an agreement in the maine question, in which the Audience expected and desired to be resolued. In which sort euery other wrangling Heretique of whatsoeuer sect, although most absurd and most newly inuented, may vndertake against *D. Featly* to name, proue, and defend men of his Profession to haue ben in all ages; whom if *D. Featly* permit to dispute about Christ and his Apostles, before he vrge him to name mē of succeding Ages, that Heretique will, I doubt not, wrangle about these only (out of textes of Scriptures and sentences of Fathers) whole dayes, and yeares without end, and will neuer yield that Christ and his Apostles were of any other opinion, then such as is

ſuitable to his ſect, eſpecially in any matter fundamentall or ſubſtantiall, ſuppoſing libertie be graunted to him (which Proteſtants take to themſelues) to account no book of Scripture to be Canonicall, no tranſlation true, no Interpretation right, no conſequence good, no matter fundamentall or ſubſtantiall, but which it ſhall pleaſe him, or thoſe of his ſect, or his, or their priuate ſpirit, to allow for ſuch.

Now, if D. *Featly* would not (as doubtles he would not) thinke, ſuch a wrangler to haue ſufficiently named ſome men of his profeſſion in all ages by only naming Chriſt and his Apoſtles, and ſome others in the firſt, ſecond, or third Age, nor ſufficiently to haue proued or defended thē to be of his ſect or opinion, by only alleadging and diſputing about texts of ſuch Bookes and Tranſlations as himſelf liketh, and with ſuch Interpretations onely which himſelf alloweth, and about ſuch matters only which himſelf will account fundamentall and ſubſtantiall: If I ſay, D. *Featly* would not account ſuch a wrangling Heretique (an Arrian or Anabaptiſt for example) to haue by this manner of proceeding, performed his vndertaken taske of naming, prouing, and defending out of Good Authors men of his profeſſion (Arrians or Anabaptiſts) to haue ben viſible in all ages ſince Chriſt; then ought not D. *Featly* himſelf, and much leſſe any other wiſe man thinke, that D. *Featly* & his aſſiſtant D. *White* haue performed what they vndertooke in the Conference, by their like manner of proceeding.

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THE III. CHAPTER.

In which is shewed, how many Ministers after the Conference aforesayd, haue endeuoured so make Answere: and that none haue sufficiently answered M. Fishers *Question.*

IN the precedent Chapter I haue made it plaine, that *D. White* and *D. Featly* did not (during the time of Conferēce) sufficiently answer the proposed Question, nor consequently satisfie the Iudicious & vnpartiall Auditours of the aforesaid Conference: Now it resteth to be examined, whether they, or any for them, haue (according to promise made in their behalf) yet satisfied their obligation, either by a second meeting (which may perhaps be excused vpon iust reason) or in writing, which *M. Fisher* in his letter to the Right Honourable Earle of *Warwicke* required, and might haue ben without offence performed by the Doctours. And I find that the aforsaid Doctours haue ben so long silent since that tyme, that diuers other Protestant writers, being (as it may be presumed sorry and ashamed, that their Doctours did giue no better satisfactiō) haue thought fit to set out each one his seuerall Pamphlet; as if forsooth, they could & would giue a more full and satisfying answer.

The first is one *M. Bernard*, who wrote the Pamphlet called, *Looke beyond Luther*.

The second *M. Rogers*, who writeth an Answere to

M. Fishers fiue propositions.

The third masketh himself vnder the letters, *W. C.* who in a Dialogue promiseth to answere the Questiō, and to discouer *Fishers* Folly.

The fourth is, the Author of a Booke intituled: *The perpetuall Visibility of the true Church.*

The fifth, is a booke intituled: *Luthers Predecessors*, or an Answer to the Question, *Where was your Church, before Luther?*

And now lately, *D. White* hath set out a large Volume called: *A Replye to Iesuite Fisher &c.* in which he doth a litle touch this Question.

And more lately *D. Featly* hath set out, *His Romish Fisher catched, and kept in his net.*

After this againe *D. Vsher* hath set out a Sermon, in which he toucheth this same matter.

And last of all, is crept out another sorry Pamphlet, called *The Protestant Kalendar.*

All which I haue examined in such order as they haue come forth; but I cannot find in all, or any one of them a good Answere to *M. Fishers Question*: which not being found, Protestantes may well doubt, or rather certainely know, that neither their Doctours, nor any other can make sufficient Answer to that question, vnlesse they wilbe so honest, as to confesse, that there were only two famously knowne Protestants, called *Nullus* and *Nemo*; that is in English, *None*, & *Not any one*, who were visible in all ages before Luther.

THE IV. CHAPTER.

About M. Bernards, *Looke beyond Luther.*

IN *M. Bernards* Booke I obſerue, 1. That the man had a good will to make ſimple people belieue, that there were Proteſtãts in ſuch plenty in all the firſt Ages, as that he needed not name thẽ in particuler, but only in generall, by ſaying firſt (as euery Heretique will ſay for his owne Sect) *Proteſtant Religion is found in Scriptures*. The which he proueth only by ſaying, that in the Proteſtant Bookes (as other Heretiques may ſay of their Bookes) Textes of Scriptures are quoted for what they affirme; which Reaſon if it be well pondered, may as well proue, that not onely all other Heretiques, but alſo the Diuell himſelfe, are of the Proteſtant Religion, in regard not only all Heretiques (as *Vincentius Lirynenſis* noteth) can, and do plentifully quote places of Scriptures, but alſo the Diuel himſelf wanteth not his alleadging (eũen to Chriſt himſelf) the very words of the ſcripture: Therefore if onely quoting places, or citing words of Scripture can make Proteſtant Religion, there is no doubt but it was before *Luther* in the *Arrians*, *Pelagians*, and other damned Heretiques, and in the Deuill himſelf; which is more then I ſuppoſe *M. Bernard* would haue to be proued by his ſaid reaſon.

Vincentius Lyr. contra Hær.

It is therefore no good reaſon, for, as *Vincentius Lyrinenſis* noteth, beſides words of ſcripture we muſt adioine

Vbi ſupra.

ioine Eccleſiaſticall (Catholique ſenſe) which *M. Bernard* cannot proue to be in Proteſtant Catechiſmes or Homilyes, ſo far forth as they teach doctrine contrary to the Rom. Church. Neither can *M. Bernard* ſufficiently ſatisfie by onely ſaying, that Proteſtants haue the true ſenſe from the ſpirit of God, for ſo alſo will euery Heretique ſay and thinke, in regard the Prince of darknes hauing once by pride and ſelfe conceipts blinded their vnderſtanding, can eaſily transfigure himſelf ſo, as to ſeeme to them to be an Angell of light, and worke ſuch ſeeming holy motions, and heauenly
2. Cor. 11. 14. Conſolations in their hearts, ſeconded with the ſound of the words of the Scripture, as maketh them (poore ſoules) belieue that they haue in their breſts the Holy Ghoſt himſelfe teaching them all Truth, ſo as they can better interpret ſcripture, then all the ancient and preſent Doctours of the Church. Theſe be ſtrong deluſions of Sathan which cannot better be diſcouered & auoyded then by humbly ſubmitting ones Iudgment and ſpirit to the vnanimous conſent of the ancient, & preſent Paſtours and Doctours of the Cath. Church; holding all which they hold, and reiecting all which they reiect, and accounting that to be Gods true ſpirit which agreeth with them, and that not to be of God which in any matter of Fayth and religion diſcordeth from them, according to that Rule of diſcerning ſpirits which is giuen by *S. Iohn* in theſe wordes: *Nos ex Deo*
2. Ioan. 4. 6. *ſumus &c.* We, ſayth *S. Iohn*, (and with him all ancient & preſent lawfull viſible Paſtours of the Church agreeing in one) are of God, he that heareth vs, is of God, he that is not of God, doth not heare vs; in this we know the ſpirit of Truth, and the ſpirit of Errour.

2. I obſerue in *M. Bernards* booke, that hauing in generall without naming particulers challenged the Anciẽt Fathers,

Fathers, Martyrs, & some of the present Romã Religiõ to haue ben professors of the Protestant Fayth, he doth not proue this (as *M. Fisher* required to be proued) by alleading some good authours who plainly shew these to haue ben Protestants, or to haue differed in Fayth from the present Rom. Church in some point, held by Protestants, and not to haue condemned any one point of the Protestant Fayth contained in the 39. Articles aforesaid. Neither is *M. Bernard* able to defend against *M. Fisher*, that all those ancient Doctours and Martyrs, or present Roman catholiques (which he will by hooke and crook draw to be fauourers of Protestant Religion) did hold nothing contrary to the 39. Articles; which is a needfull condition to make them to be members of the present English Protestant church, in regard it doth excommunicate *ipso facto*, euery one that shall hould any thing contrary to any of the said Articles; for thus sayth the first Canon of the English Protestant Church: *Whosoeuer shall hereafter affirme, that any of the 39. Articles agreed vpon by the Archbishop &c. are in any part superstitious, or erroneous &c. Let him be excommunicated, ipso facto.* Now either all, or at least many of the Ancient Fathers did, and yet in their writings do, affirme some or other part of the doctrine contained in the said 39. Articles to be erroneous: *Ergo*, they are no members, but excommunicated out of the present English Protestant Church. I meruail therefore, that *M. Bernard* durst be so bould, as to account the auncient Fathers members of his Church; But who so bold as blind Bayard, and who more blinde then *M. Bernard*, who (as he confessed to one in London) neither hath the Fathers writings, nor euer read them, but trusted, as he said, honest men; when indeed he trusted only some other Protestants,

See the Booke of Canons, Can. 5.

stants, whose sincerity and skill he had great cause to suspect, in regard Protestants are so ordinarily taxed for falsifying the sense, and sometymes the very words of the Fathers, as that before one giue credit to any one of their Note-bookes, or printed bookes, he had need carefully to examine what they alleadge, comparing it with the Fathers owne writings, and not to contet himself only to see the words truly alleadged, but to see *Antecedentia* and *Consequentia*, and the whole connexion of the matter, that so he may discerne whether they alledge them in the right sense or no. But this *M. Bernard*, by his owne confession, hath not done, therefore no man ought to credit his bold and blind assertions, affirming that the Ancient Fathers & Martyrs &c. were Protestants; nor can they consequently account, that he hath sufficiently answered *M. Fishers* Question.

THE V. CHAPTER.

Concerning M. Rogers *his Answere to* M. Fishers *fiue Propositions.*

BY this which hath ben said against *M. Bernard* his *Looke beyond Luther*, it may be easily seene, that *M. Rogers* hath not sufficiently answered *M. Fishers* Question aforesaid; for with a bold Audacitie he nameth for Protestants, famously knowne Roman Catholiques, to wit, the chief writers of

of the first 700. Yeares, and among others euen S. *Bede*, whose writings and profession of life (being a professed Roman Catholique Monke) shew him to be no Protestant. The like may be said of diuers others, but at this tyme it may suffice to giue this one example to shew, that M. *Rogers* naming all those he named, spake without booke, or without hauing at hand, or looking into his books, and that he might aswell haue named the Pope, and Cardinals, and Bishops, Priests, Monkes, and all other Religious persons of the present Roman Church to be Protestants, as he nameth the said ancient Fathers.

And I meruayle why, hauing gone halfe the way (as he sayth) he maketh a stop there, and doth not with the like audacity goe on, in naming other famous Rom. Catholiques in euery of the other Ages, namely, such as *Gualterus* in Latin, and the Author of the *Appendix to the Antidote* in English, haue set downe for members of the Rom. Church. Neither can I see any reason why he did not, but that (as it seemeth) he was not resolued whether it were better to put in his Catalogue the Names of damned Heretiques which disagree in diuers points of Fayth from all ancient and present Pastours and Doctours of the Church, and euen from the Protestants themselues; or els to put in Names of Popes, Cardinals, Bishops, Priests, Monkes, and other Religions men, whose writings and profession of life palpably shew, that they held the present Roman doctrine, and communicated with the Rom. Church, and (as ancient Fathers haue done before them) condemned some or other Protestants doctrine, euen of those 39. Articles of the English Protestant Church, although they be more craftily composed, then the Articles of other Protestant Churches.

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I might therefore without more adoe, conclude, that *M. Rogers* hath not sufficiently answered *M. Fishers* question, in regard he hath neither named Protestants in all ages, neither hath he sufficiently proued them he named to be Protestants, neither lastly can he defend those he named to be Protestants, but by such false suppositions, and bad definitions, and such other shifts, as any *Arrian*, or Anabaptist, or whatsoeuer other absurd Sectary may by the like defend the same persons to haue ben of their Religion or sect. Neuertheless because the method or manner of proceeding vsed by *M. Rogers*, in answere of *M. Fishers* fiue Propositions, hath gotten him the Name and credit of a Worthy Oxford-Deuine, I haue thought good to examine more particulerly his said Answere to *M. Fishers* fiue Propositions, the which are these ensuing:

A true Copie of M. Fishers fiue Propositions.

Eph. 4.5. *Heb.* 11. 6. *Rom.* 10. 14. 15. *Eph.* 4. 11.

1. It is certaine, there is one, and but one, true infallible Fayth, without which none can please God.

2. This one Infallible Fayth, cannot be had according to the ordinary course of Gods prouidence, but by hearing Preachers, and Pastours of the true, visible Church, who only are lawfully sent, and authorized to teach the true Word of God.

3. As therefore this one Infallible Fayth hath ben, and must be in all ages, so there must needs be in all ages Preachers, and Pastours of the true, visible Church, of whom all sorts of people haue in tyme past (as appeareth by historyes) learned, and must learne in all future tymes, the said Infallible Fayth.

4. Hence it followeth, That if Protestants be the true visible Church of Christ, all sorts of men who in euery age, haue had the aforesaid Infallible Fayth, haue learned it by Protestant preachers, whose Names

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may be found (*in* * *Histories, as the Names of those are found*) who in seuerall Ages did teach, and conuert people of seuerall Nations vnto the Fayth of Christ.

* These words are left out in *M. Rogers* Copy.

5. Hence further followeth, that if there cannot (as there cannot) be found in Histories Names of Protestant preachers who in all ages did teach all sorts of Faythfull people, and who conuerted seuerall Nations vnto the Christian Fayth; Hence followeth, I say, that Protestants are not the true Visible Church of christ, neither are their Preachers lawfully sent, or sufficiently authorized to teach; nor people securely warranted to learne of them that one Infallible Fayth, without which none can possibly please God, nor (if they so liue and dye) be saued.

If any Protestant will answere, let him set downe Names of Protestant Preachers in all ages who taught people Protestant doctrine, in euery seuerall age; or confesse there was no such before Luther, or at least not in all ages, to be found in Histories. Thus far the Copy of *M. Fishers* Propositions.

An Examination of M. Rogers *Answere to the Fiue Propositions aforesaid.*

I find first, that he granteth the first three without any exception, which I desire may be diligently noted and well pondered. For out of these three grounds (to wit, 1. that there is one, and but one Fayth necessary to saluation: and 2. that this Fayth (according to the ordinary course of Gods prouidence,) cannot be had otherwise then by hearing the preaching or teaching of lawfully-sent pastours: and 3. that this Fayth hath ben in all ages past (as appeareth by Histories) taught by Pastours of the true visible Church who only are lawfully sent: Out of these three grounds, I say, euidently followeth that, which is *M. Fishers* fourth Proposition, to wit: *If Protestant Fayth be the true Fayth,*

and their Church the true Church (or as *M. Rogers* had rather ſay, a true Church) *of Chriſt, then their Proteſtant Fayth, differing from the Roman Fayth, hath ben taught in all ages by lawfully-ſent viſible Proteſtant Paſtours, whoſe Names may be found in Hiſtoryes, as Names of others are found, who did teach the true Fayth of Chriſt in all ages.*

This to follow out of the aforeſaid three grounds, is, as I ſaid, moſt euident; neither doth *M. Rogers* make any bones to grant, ſaue only that it may be, he will make a bogge at the word, *Hiſtories*, as not finding it in his copy, nor thinking it perhaps neceſſary, that the names of Proteſtant Paſtours, who taught the Proteſtant Fayth in all ages paſt, be found in Hyſtories; but vnderſtanding the word, *Hyſtories*, as *M. Fiſher* vnderſtood it, to wit, for ſome or other kinde of Records or monuments, as *D. White* alſo vnderſtood it, when he ſaid; *Things paſt cannot be shewed but by hyſtories*; I do not ſee why *M. Rogers* may not abſolutly grant the fourth propoſition, euen as it was ſet downe by *M. Fiſher* himſelf; for if any viſible Proteſtant Paſtours were in all ages, teaching eſpecially any ſuch Proteſtant doctrines, as now are taught, they would haue ben named, and ſpoken of, and written of, as well as others are, who haue in all ages paſt taught all ſorts of true and falſe doctrines, in regard there cannot be aſſigned any reaſon either of the part of Gods prouidence, or humane diligence, why the names of others, euen falſe Teachers, in all ages, ſhould be ſet downe, and preſerued in hiſtories yet extant, rather then the names of ſuch as Proteſtants deeme to be the only true Teachers of pure doctrine; for doubtleſſe both God, who is zealous of his honour, and carefull to honour and preſerue the memory of them that would honour him, would for his honours ſake haue

In his Way to the church pag. 358.

Gloriã meam alteri non dabo. Iſa. 42. 8.

haue procured honorable memory of ſuch as did by teaching truth honour him; and men carefull of their ſoules health (which they cannot attayn (according to the ordinary courſe) but by hearing ſuch Paſtours only, who haue had lawfull Succeſſion from Chriſts Apoſtles) haue more reaſon diligently to looke, that memory be preſerued of ſuch Paſtours, and of pure diuine Truth taught by them, then of others who taught any other falſe, and not pure doctrine.

Quicunque glorificauerit me, glorificabo eum: & qui me contemnunt ignobiles erunt. 1. Reg. 2. 30.

In memoria æterna erit iuſtus. Pſal. 111. 7.

Certaine therfore it is, that the names (or ſome thing equiualent to Names) and the doctrines of true Paſtours, who did in all ages paſt, teach true diuine doctrine, may be found in Hiſtories, as well as the Names and doctrines of others are found who did teach any other doctrine. And therefore if Proteſtants haue had any Paſtours, teaching true doctrines in all Ages, doubtleſſe their names would be extant in Hiſtories yet extant: which being preſuppoſed and granted, as *M. Rogers* ſeemeth to grant, by granting *M. Fishers* fourth propoſition, I do not ſee how *M. Rogers* can deny *M. Fishers* fifth propoſition; for, it being ſuppoſed that if Proteſtant preachers were, their names would be found in Hiſtoryes (as *M. Fishers* fourth propoſition granted by *M. Rogers* ſuppoſeth); it may be well inferred, that if no ſuch mens names be found in Hiſtories, then no ſuch men were in all ages, nor conſequently are Proteſtants the true Church of Chriſt, for it hath had ſuch in all ages: I do not therefore ſee, I ſay, how *M. Rogers* can deny *M. Fishers* fifth propoſition, ſuppoſing he graunt, as he graunteth, his fourth Propoſition; for although abſolutly ſpeaking, an Argument drawne from negatiue authority be (as *M. Rogers* auerreth) of it ſelf of no force; and ſo Proteſtants arguments which are vſually made againſt vs, out of

negatiue Authority; as for example, the ſcripture ſayth nothing of this or that; or the Fathers of the firſt 300. yeares make not expreſſe mention of this or that, *Ergo* no ſuch thing is, or is of no force: Yet when the negatiue Argument is grounded in an already granted affirmatiue propoſition, as it is in this our caſe, the negatiue argument is of great and vndeniable force.

As for example, if we did grant this propoſition; If ſuch, or ſuch a thing were, holy Scripture would haue ſpoken of it, or the Fathers of the firſt 300. yeares would haue made expreſſe mention of it; If I ſay, we granted this, we could not deny the aforeſaid negatiue Argument vſually made by Proteſtants, to be of force againſt vs. But we deny, and Proteſtants cannot proue the ſaid Affirmatiue, and ſo the negatiue Argument hath no force againſt vs. Now *M. Rogers* doth not, nor in reaſon cannot deny *M. Fishers* fourth propoſition, which is an Affirmatiue, whereupon his fifth negatiue propoſition is grounded; And therefore *M. Rogers* ought not to deny, but muſt needs graunt *M. Fishers* fifth, and ſo all his fiue propoſitions; which being graunted, if he will make a good Anſwer as he pretendeth, he muſt firſt ſet downe Names of Proteſtant Paſtours in all ages, and not content himſelfe with naming ſome whome he thinketh to be Proteſtants, and with ſaying, he hath gone halfe the way.

Secondly: If he will ſatisfie *M. Fishers* other Paper, as he pretendeth to do, he muſt proue and defend them to be Proteſtants, as *M. Fishers* paper requireth, and muſt bring out ſome or other good Authors, who do cleerely ſhew them to hold all, or ſome principall points of Proteſtant Fayth, differing from Catholique Roman Fayth, and not to condemne any of the 39. Proteſtant Articles, and muſt not content himſelf

ſelf with making ſuch arguments as he maketh, which are moſt inſufficient, either to conuince, or probably to perſwade either his Aduerſary, or any indifferent iudicious Reader; for theſe be his Arguments.

Firſt, A Cauſis; *thus*:

The Fayth contained in the Scriptures, hath had viſible Profeſſors in all ages:

But the Proteſtant Fayth is contained in the Scriptures: *Ergo*.

2. A Signis; *thus*:

The Fayth which hath teſtimonies of Antiquity, Vniuerſality, and Conſent of Fathers, and other writers in all ages, had viſible Profeſſours in all ages:

But the Fayth of Proteſtants hath theſe Teſtimonies: *Ergo*.

3. Ab Exemplis: *thus*:

Names of ſuch as profeſſed the Proteſtants Fayth in all ages.

100. Chriſt and his Apoſtles.

200. S. Iohn: Ignatius: Polycarpus: Iuſtinus Martyr: Irenæus.

300. Tertullian: Clemens Alex: Origen: Cyprian: Lactantius.

400. Athanaſius: Cyrill Hieroſol: Ambroſius: Nyſſenus: Hieronymus.

500. Ruffinus: Chryſoſtomus: Auguſtinus: Cyrillus Alex: Theodoretus: Socrates: Zozomenus.

600. Fulgentius: Enagrius: Gregorius Primus.

700. Beda: Damaſcenus: Alcuinus.

Thus hauing gone halfe way, I conclude with this Argument,

The Proteſtant Fayth being that which is contained in Scriptures, was receiued and taught by all the Orthodoxe Fathers:

But the Fathers abouenamed be al Orthodox: *Ergo.*

Now, who doth not ſee, that theſe arguments be moſt inſufficient, and that they may be moſt eaſily anſwered, by denying the Proteſtant Fayth to be contained in ſcriptures, or to haue teſtimony of Antiquity, Vniuerſality, and Conſent, or to haue ben profeſſed by thoſe Fathers which *M. Rogers* named? Who doth not alſo ſee, that the ſame Arguments may be more ſtrongly retorted againſt Proteſtants, by onely altering the word, *Proteſtant*, into *Catholique*? in regard our Cath. doctrine may be, and is ordinarily proued by playne Teſtimonies of ſcriptures and Fathers, euen by Cõfeſſion of diuers learned Proteſtants themſelues. I meruayle therefore that *M. Rogers*, being accounted a worthy Oxford-Deuine, would affirme, & offer to proue, and defend Proteſtants to haue bene in all ages, vpon ſo ſleight groundes: which if they be admitted for good, euery ſect of heretiques may affirme, and proue, and defend men of their ſect to haue ben Viſible in all ages. For Triall wherof, I wiſh it may be imagined, that there were an Anabaptiſt (for example) who held all the Proteſtant Fayth, ſauing onely ſome few Negatiues, and namely, that it is not lawfull to baptize Infants; And that this Anabaptiſt had framed to himſelf ſuch falſe rules, as *M. Rogers* hath ſet downe to himſelf, to wit:

1. *That Fayth is affirmation and not negation*; by which rule it ſeemeth he would not haue any negatiue propoſitions, although found in ſcripture, to pertaine to Fayth. 2. *That they that are in the affirmatiue, muſt proue, & not thoſe who are in the negatiue*; By which ſeemeth to follow, that a man who had tyme out of minde quietly poſſeſſed his land or religion, were bound to proue his right, before his vpſtart aduerſary who denieth him

him to haue right, haue giuen a good reaſon of his deniall. 3. *That what was not a poynt of Fayth in the primitiue ages, cannot after be a point of Fayth*; As if there were not ſome points which were at firſt not held neceſſary to be belieued, euen by Orthodox Fathers, which afterward by examination and definition of the Church in generall Councels, were made ſo neceſſary to be belieued, as that whoſoeuer did not belieue them, were accounted not Orthodoxe, but Heretikes. And 4. *That the Anabaptiſt Fayth is that which is contained in Scripture and the Antient Creeds*; *and the Anabaptiſts Church is a Society of men, which profeßeth the Fayth contained in ſcripture, and the Ancient Creeds*; as (if an Anabaptiſt may be Iudge) it will be held ſo to be.

And 5. *That hauing diſtinguished Fayth* (as *M. Rogers* doth) *into doctrines fundamentall and neceſſary, and doctrines not fundamentall, but acceßorie*, or not neceſſary, he may be yet further allowed to reiect all Church authority, and not to be ſatisfied with what is taught by any Church, ours or his owne, (as *M. Rogers* confeſſeth he is vnſatisfied) and conſequently being left to his owne liberty, may apply this diſtinction as he ſhall pleaſe, accounting onely that to be neceſſary which he liſteth ſo to accoũt. I wiſh, I ſay, that ſuch an Anabaptiſt were imagined, and that *M. Rogers* were to be his Opponent, that it might be ſeene whether this Anabaptiſt could not as well by theſe aforeſaid rules, definitions, and diſtinctions affirme, proue, and defend his Fayth and Church to haue ben alwayes Viſible againſt *M. Rogers*, as *M. Rogers* doth, or can by his rules, definitions and diſtinctions affirme, proue, and defend the Proteſtant Church to haue ben alwaies Viſible, againſt Catholiques; or whether *M. Rogers* could better conuince ſuch an Anabaptiſt, not to haue

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the auncient Fayth, or not to be a member of the continuall Visible Church, then a Catholique can convince M. *Rogers*.

For proofe wherof let it be supposed, that M. *Rogers* could (as he cannot) produce out of Scriptures, and Fathers, and other writers in all ages, as manie, and as plaine and pregnant affirmatiue sentences against the Negatiue doctrine of Anabaptists, as Catholiques ordinarily do against Protestants Negatiues; And then I aske M. *Rogers*, whether this Anabaptist may not (as vsually Protestants do) take one or other exception, either of argument, or booke out of which the sentence is cited, as if it were not vndoubtedly Canonicall, or authenticall, or against the Translation or Transcript, or printed Copie, as not certainly knowne to be conforme to the first Autographon or Originall, or against the Interpretation and sense of the Wordes, or the Consequence gathered out of them, as if some other sense were intended by the Authour; Or if none of these exceptions can be made, whether he may not at least say, that it is not the Fayth or consent of all Antiquity, which doth hold such an affirmatiue, contrary to his negatiue doctrine, but onely the opinion of some one or few, while others hold the contrary, or seeme doubtfull; Or if it be shewed to be the generall doctrine of all who had occasion to write of that matter, without any one teaching contrary, whether he may not deny the point to be fundamentall, and say, that they differ not from him in doctrine necessary, but only in doctrine accessary, & that notwithstanding this difference they may, & are possessours of his Fayth, and members of his Anabaptist Church.

All this, doubtles, he may say, and so defend ancient Fathers to be of his Fayth and Church, as well as M. Re-

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gers can defend them to be of his Fayth and Church. Neither can the *M. Rogers* diſproue what the Anabaptiſt auerreth, but with the ſame breath he diſproueth his owne book, and maketh it appeare to euery iudicious Reader, that he neither can truely name, ſoundly proue, nor in any good ſort defend, either the ancient Fathers, or any other Orthodoxe whom he nameth, or any lawfull Paſtours, or others, Catholiques or Heretiques, before Luther, or indeed *Luther* himſelf, to haue held the entiere Proteſtant Fayth; For if all Proteſtant doctrines which be differēt from the Fayth of the Rom. Church, may be called doctrines of Proteſtant Fayth, it may be euidently ſhewed that none of the aforeſaid did al in points of Fayth agree with the Engliſh Proteſtant Church, whoſe Miniſters are bound to ſubſcribe to the 39. Articles aboue mentioned.

But if all Proteſtant doctrines which be different from the Roman Church her Fayth, be not doctrines of Proteſtant Fayth, I require *M. Rogers* to ſhew me which (in particuler) be, and which be not doctrines of Proteſtant Fayth, that it may be diſcerned who did, and who did not hould the Proteſtant Fayth: and that withall he giue me a ſubſtantiall ground, well proued out of ſcripture, Why thoſe particuler points which he ſhall aſſigne, are points of Proteſtant Fayth, rather then others contained in the 39. Articles. If he ſay (as he hath already ſeemed to ſay) that none of their negatiue doctrines pertaine to their Fayth, and that all which is affirmed by Proteſtants, is affirmed by Roman Catholiques, and that this affirmatiue doctrine onely doth pertaine to Fayth; it will follow that Proteſtants haue no Fayth different from Roman Catholiques; out of which it will further follow, that thoſe Engliſh Proteſtants who ſhall hold ſome of the 39.

Articles and deny the reſt, may be ſayd to haue no Fayth different from thoſe which ſubſcribe to all the 39. Articles; which laſt Conſequence if *M. Rogers* grant, I aske why the booke of the Canons doth excommunicate *Ipſo facto*, ſuch halfe Proteſtants? Why do their Biſhops impriſon them as Heretiques, and not account them members of their Church? And why may not Rom. Catholiques by as good, or better right account Proteſtants (who deny ſo many points defined in both ancient and recent generall Councells) to be Hereriques, excommunicated, and no members of the ancient, and preſent Catholique Church?

2. I aske, what Scripture, or Reaſon aſſureth, that no Negatiue doctrine pertaines to Fayth? for Scripture hauing in it ſo many negatiue ſentences, which are to be belieued, aſſureth the contrarie: neither is there any reaſon which can aſſure a man that he is freed from belieuing (for example) this negatiue, *Deus non mentitur*, God doth not lye, rather then from belieuing this affirmatiue, *eſt Deus verax*, God is a true ſpeaker; for both being ſaid by one and the ſame God our Lord, Truth it ſelf, and both being propounded by one and the ſame Catholique Church his ſpouſe, aſſiſted by his ſpirit, the ſpirit of truth, as ſpoken by god in holy ſcripture, both are equally to be belieued; neyther can any without danger of eternall damnation, deny or doubt of either thoſe, or any other, euen the leaſt point of Catholique Fayth, as we may learne out of *S. Athanaſius* in his Creed ſaying that: *Whoſoeuer wilbe ſaued, it is needfull that he hold the Catholique Fayth*, which vnleſſe ech one hold entire, (that is, in all points) and inuiolate, (that is, in the true vncorrupted ſenſe of the Cath. Church) without doubt he ſhall periſh euerlaſtingly. So as, whether the doctrine be negatiue or affirmatiue, whether

Athanaſ. in Symbolo.

ther fundamentall or accessory, supposing it be a doctrine propounded by the Cath. Church, as reuealed by God, it must be believed *explicitè* or *implicitè*, and may not rashly, or (which is worse) aduisedly be denyed or doubted of, & much lesse may the contrary be obstinately maintained against the knowne Iudgmēt of a lawfull generall Councell, or the vnanime cōsent of the Pastours of the Church; in regard our Sauiour hath expresly auerred, *That he who despiseth them, despiseth himself, and him that sent him*, to wit, God his Father. And againe: *He that will not heare the Church, let him be to thee as an Heathen and Publican.* All which sheweth, that such as do obstinately deny, or doubtingly dispute against any the least poynt knowne by Church-Proposition to be a point of Cath. Fayth, is worthily accounted an Heretike, a despiser of God, an excommunicated person, and noe member of the true Catholique Church, and one who if he so liue and dye without repentance cannot be saued, but (as *S. Athanasius* without any want of Charity pronounceth) *he shall without doubt perish euerlastingly*.

Luc. 10. 16. *Matt.* 18. 17.

Whereas therefore it is certaine, that Protestants hould diuers Negatiue doctrines, not only not found in, but contrary vnto Scriptures, Councells, and Fathers, and other Orthodoxe Authors in all ages; It euidently followeth, that *M. Rogers* hath not yet named, nor can name, nor hath proued, nor can proue, or defend any of those he nameth, or vndertaketh to name, to haue ben visible Protestants in all ages before *Luther*, and consequently he cannot be said to haue made any good Answer eyther to *M. Fishers* question, or to his fiue propositions, or to his other Paper written to explicate the sense of his said question.

THE VI. CHAPTER.

Concerning VV. C. his Dialogue.

ALTHOVGH this which hath ben already ſaid, may ſuffice to ſhew the wiſdome of W. C. not to haue ben ſo great, as to be able to giue a good Anſwere to *M. Fishers* Queſtion, and much leſſe to diſcouer (as he predenteth) any Folly in *M. Fiſher*, for propoſing the ſaid Queſtion, being ſo profitable, neceſſary, and important as it is, for diſcerning which is the true Church, of which all ſorts are to learne true, diuine, infallible Fayth, neceſſary to ſaluation; Neuertheleſſe ſith it hath pleaſed either the Authour, or the Printer of this Dialogue to combine it with *M. Rogers* his booke, as if it did ſay ſomething more to the purpoſe then *M. Rogers* hath ſaid; I haue thought it not amiſſe briefly to examine the ſubſtance of it.

Firſt therefore I find, that whereas *M. Fishers* Queſtion required, 1. That Names of viſible Proteſtants be ſet downe in all Ages. 2. That prooſes out of good Authours be brought, to ſhew the partyes named, to haue ben Proteſtants, not Roman Catholiques. 3. That they be defended to be ſuch againſt all ſuch Arguments which may be brought by *M. Fiſher*, or any other Roman Catholique; W. C. hauing propoſed this blind queſtion, *Where the Proteſtants Church was before Luther?*) maketh a more blind Anſwere, ſaying; *It was where the Proteſtants doctrine was*; for it is more vncertayne

certayne what is Proteſtant doctrine, then where the Proteſtant Church is, in regard it will be graunted by all, that the Proteſtant Church is at this day in *England*; but what is the pure Proteſtants doctrine, whether *Lutheriſme*, *Caluiniſme*, or *Parlamentariſme*, or who be the men that profeſſed pure Proteſtant doctrine in all Ages, is not ſo eaſily diſcerned.

Wherefore W. C. conſidering (as it ſeemeth) that he had not well anſwered, maketh his Antilogiſt to aske, Who theſe were? What Countrey people? Who taught thoſe doctrines which Engliſh Proteſtants teach? To which queſtion W. C. maketh an Anſwere as blind as the former; for he only ſaith, *That if we looke vpon the Churches of Aſia, Africa, and Æthiopia, and conſider them before the myſterie of Iniquity came to the height, we ſhall ſee that they held the ſame doctrine, and forme of a Church that Engliſh Proteſtants haue* (not in all, but) *in all ſubſtantiall things pertayning to religion.* If you aske W. C. what men? In what citty? At what tyme, in particuler, he meaneth? He is as mute as a fiſh. And being further demaunded, whether all theſe men taught, in al things, as *Luther* did? He ſaith, *That this is a peece of Sophiſtry.* If you aske, wherin the Sophiſtry doth conſiſt? He leaueth you to gheſſe; only he ſayth, *They ſhould haue agreed in all things with Luther, and thankes be to god they do alſo, in all ſubſtantiall points, which be Articles of Proteſtant Fayth*; and that they diſagreed from *Luther* and *Caluin* only in opinions about matters not pertayning to Fayth, as the Ancient Fathers diſagreed one from another in ſome opinions, and yet were all of one Fayth and Church, both among themſelues, and with *Luther* and *Caluin*, in regard all agreed in ſubſtantiall points of Fayth. If you aske him, how he knoweth that all the Fathers, and his *Aſian*, *African*, and *Æthiopian* Churches did agree with

Luther and *Caluin* in all substantiall things, and onely differed in matters of opiniō not pertayning to Fayth? you must take his *Ipse dixit*, his bare word: And if that will not serue, you must trust the bare word of his Maister *D. Whitaker*, who sayth to Papists: *Patres sunt in maximis nostri, in multis varij, in minimis vestri:* The Fathers are ours in the greatest things, in many things various, and yours in the smallest things; which to me seemeth a Ridle, and needeth an *Oedipus* to expound it vnto vs.

Contra rat. Camp.

For I aske 1. What be those great matters in which the Fathers are Protestants? If he assigne any affirmatiue points of Protestant Fayth, *M. Rogers* hath already told vs, That all which Protestants affirme, Roman Catholiques affirme; so as the Fathers, and those *Asian*, *African*, and *Æthiopian* Churches cannot in holding these be protestants, more then they are Rom. Catholiques. If he assigne any of the Protestāts negatiue poynts as deniall of the Reall Presence, deniall of merits, Inuocation of Saintes &c. he can neuer find any such negatiues in the Fathers; and if he could, *M. Rogers* would tell him, that negatiues do not pertaine to Fayth, but are onely a trauersing, and condemning of the contrary affirmatiues.

Secondly I aske, what be those *Multa*, many things in which, *Patres sunt varii*, the Fathers are various? If they be matters which were not defined by vnanime Consent of Doctours, or by generall Councells, in these Fathers tymes; this proueth well that these notwithstanding, vnity of Fayth and Church might be among the Fathers, but it proueth not that like vnity of Fayth and Church is betweene them and *Luther* and *Caluin*, for these our new Maisters held errours contrary to the knowne Consent of Fathers and Generall Coun-

Councells, in which sort no ancient Orthodoxe Father euer did hold errour.

Thirdly I aske, what be those *Minima* least things, in which the Fathers are confessed by D. *Whitaker* to be Roman Catholiques? Let M. *Crashaw* call them *Minima*, or *Maxima*, as he shall please: The truth is, that the Fathers do agree with vs in all, and do either expresly or implicitely, hold all as we do, and do not condemne any one of the least points of Catholique Roman Fayth. And although the matter, or materiall obiect of one point of Fayth may be said to be greater, or more substantiall then another, and may be more needfull to be expresly knowne and belieued by all sorts, then some other; Yet if we haue respect to the formall obiect, to wit diuine Reuelation, and the manner of belieuing them infallibly, *explicitè* or *implicitè*, and the obligation of not denying, or not doubting of the least of them being duely propounded by the Catholique Church, all of them are alike substantiall, and so connected one with another, as he that belieueth any one (*virtually* at least) belieueth all; and he that doth deliberatly, and especially obstinatly, deny or doubt of any one (at least *virtually*) doth deny Infallible Certaintie of all, and doth assent to those points which he listeth to belieue, onely by wilfull fallible opinion, or onely by humane (falsly imagined to be diuine) Fayth, as I proue by this Argument.

An Argument prouing, that he that denyeth the authority of the Church in any one point, taketh away Infallible Certainty.

The first Maior. Whosoeuer deliberately denyeth, or doubteth of any one point, deliuered as a diuine infallible truth, by the full authority of the Church, doth not, nor can.

can for that tyme, giue infallible credit to any other point, deliuered as a diuine infallible truth, by full authority of the same Church.

{The first Minor.} But he that giueth not, nor cā giue infallible credit to any point deliuered, as a diuine infallible truth, by full authority of the Church, excludeth from himselfe, or destroyeth in himself al diuine infallible Fayth.

Ergo, He that deliberatly denieth, or doubteth of any one point deliuered as a diuine truth by full authority of the Church, excludeth from himself, or destroyeth in himself all diuine infallible Fayth.

The first *Maior* I proue: For whosoeuer doth not giue infallible credit to the full authority of the Church in any one point, neyther doth, nor can at that tyme giue infallible credit to it in any other, for it being one and the same in all points, deserueth one and the same credit in all: and therefore if it deserue not infallible credit in any one, it deserueth not infallible credit in any other.

Secondly, we can not in reason giue infallible credit to the authority of the Church in one point more then in another, vnlesse there be some Infallible reason mouing vs to beliue the authority of the Church in one point, more then another.

But there is not any Infallible reason, mouing a man to giue infallible credit to the authority of the Church, more in one point deliuered by it, then in another.

Ergo, whosoeuer deliberatly denieth, or doubteth of any one point deliuered, as a diuine Infallible truth by the full authority of the Church, neyther doth, nor can

can in reason at that tyme giue infallible credit to any point deliuered, as a diuine infallible truth, by the full authority of the same Church.

This last *Minor* I proue; for the onely chiefe reason which moueth vs to giue infallible credit to any point deliuered by full authority of the Church, is not the greatnes or litlenes of the matter, nor the more, or lesse euidence of the truth (which in the chiefest matters of Fayth is most obscure to vs) but the promise of Christ which assureth vs that himself, and his holy Spirit will alwayes be with the Church to teach it all truth; so as whēsoeuer the Church doth teach by her full authority, it is not she, considered onely as consisting of a Company of men who may erre, but God himself, (who cannot erre, and who sayth, *He that heareth you, heareth me,*) vnto whom we may, & must giue infallible credit in all matters great and little, euident and not euident or most obscure.

But this reason moueth not to belieue the Church in any one point of Fayth more then in any other, but eyther to moue a man infallibly to belieue all, or nothing proposed as diuine truth, by full authority of the Church.

Ergo, There is no sound reason to moue a man infallibly to belieue the Church in any one point of Fayth, more then in another.

If it be answered that the reason of difference is, for that some points are more clerely expressed in the Scripture then other, & that the truthes themselues are of greater importance in some points then in another, and therefore do more oblige vs to belieue the Church proposing some truths then other: I reply that the Infallibility of the credit giuen to any one Article proposed as a diuine truth by the Church, doth wholly

depend vpon the infallible authority of God, ſpeaking in, and by the Church, which is as great in his affirming things ſmall, and not cleerly expreſſed in ſcripture, or not expreſſed in ſcripture at all, as in things moſt great, & moſt cleerly expreſſed in ſcripture; otherwiſe Gods infallible authority were not (as it is, and ought to be) abſolutly Infinite, nor ſo great as may be imagined: for that infallible authority which can breed infallible credit in all things ſmall and great, obſcure & cleere, expreſſed and not expreſſed in Scripture, is far greater, then that which doth onely breed infallible credit in great and cleere matters, expreſſed in Scripture. And although the more importance of the matter, or the more cleerneſſe of the truth, eſpecially expreſſed in Scripture, may more oblige vs to take expreſſe notice of it, and conſequently actually and particulerly to belieue it more then other leſſe important or leſſe cleere truthes; yet ſuppoſing we once haue notice that theſe other leſſe important and leſſe cleere truthes were deliuered by the ſame authority of God ſpeaking in, and by his Church, by which we are to take notice both of the moſt important and moſt cleere truthes, & of that ſcripture by which we learne them to be important and cleere, we are bound with equall infallible credit to belieue the ſmalleſt and moſt obſcure things, as the greateſt and cleereſt: neither can we after ſuch notice, without great iniurie to Gods infinite infallible authority, deny or doubt of the truth of the leaſt, or moſt obſcure point propoſed by God ſpeaking to vs eyther by himſelfe immediatly, or by meanes of the authority of the Church.

If W. C. will for all this, make a diſtinction in points of Fayth, accounting ſome ſubſtantiall, in which all the auncient Fathers and his *Aſian*, *African*, & *Æthio-*

Æthiopian Churches were of one and the same Fayth with Luther and Caluin; and others not substantiall, in which ech of these might dis-agree, without being of a different Fayth or Church; I must intreate him to define, or describe, or giue vs a Catalogue of all substantiall points of Fayth, or to set downe a Rule well proued out of Scripture, by which all may certainly know what is, and what is not a substantiall point of Fayth and Religion, that it may be examined whether the *Italian* Churches be more strangers from sauing Fayth, as W. C. would perswade vs, then his *Asian, African*, or *AEthiopian* Churches.

I must also intreate him to tell vs, when the Roman Church, in which once sauing truth (as *S. Paul* telleth vs) was no stranger; when, I say, did the Roman Church cast the sauing truth out of *Italie*, and all Europe, into the onely *Asian*, *African*, and *AEthiopian* Churches? In what Age? Vnder what Pope? Vpon what occasion? for these, and the like Circumstances (not imagined, but well proued out of good Records) I must intreate W. C. to set downe, and to see that the Records which he citeth be not feigned to haue been once written, and after burned, but eyther yet extant, or of which once to haue ben extant and after burned some mention is made in one, or other good Record yet extant. Rom. 1, 8.

When W. C. shall haue satisfied these my most reasonable requests, then I shalbe content to answer his question about the Visibility of the Church in Antichrists time, which he imagineth, but doth not, nor can proue to be already past. In the meane time I may tell him, that the Rhemists answer doth nothing help him towards the answere of *M. Fishers* question; for according to the *Rhemists*, in Antichrists time the Church

ſhall haue true Paſtours, and thoſe knowne both to the Faythfull, and alſo to the Perſecutors, who could not perſecute men who were altogether vnknowne. As therefore in the firſt perſecutions of Chriſtians, the Names of Paſtours and people were knowne to the world, and may be found in Records yet extant, ſo it is required in *M. Fishers* Queſtion, that in this pretended paſt tyme of Antichriſts perſecution, the Names of perſecuted Proteſtant Paſtours be produced in all ages, at leaſt two or three in ech age: which while W. C. doth not, neyther his bold ſaying, that he can in all ages point forth men preaching Proteſtant doctrine, nor his citing of *Raynerus*, nor his foure Bookes which he ſo highly commendeth, (to wit, *Illyricus* his *Catalogus Teſtium veritatis*, *D. Iohn whites Way*, *D. Reynolds Theſis*, *Amandus Polonus*) do, nor can ſatisfy *M. Fishers* Queſtion.

Firſt I ſay, that W. C. hath not anſwered *M. Fishers* Queſtion, by his bold ſaying, that there is not one Age ſince the dayes of Chriſt, wherin he cannot point forth men preaching and profeſſing as Proteſtants do; for this bold aſſertion he doth not otherwiſe proue, then by falſly preſuppoſing, without all proofe or probability, that all the tyme in which Proteſtants affirme Papiſtrie to haue raigned (which ſome ſay hath byn twelue or thirteene hundred yeares) was the tyme of Antichriſt, in which the Church was chaſed into the wildernes, and ſo oppreſſed, that it had not any publique ſtate or regiment, nor free exerciſe of holy functions, yet it was not vnknowne to the Faythfull that followed it, nor to the Enemies that perſecuted it: All which if it were true (as it is moſt falſe) doth not poynt forth men preaching as Proteſtants do, in any one age, and much leſſe in all ages before Luther: for it onely would proue that ſome Chriſtians were, but

whether

whether they were Protestants, or of some other profession, resteth still to be particularly proued.

Secondly I say, that W. C. hath not answered *M. Fishers* question by his citing of *Raynerus* a Popish inquisitour, who writeth (as W. C. sayth) that the *Waldenses* were more pernicious to the Church *of Rome* then all the other Sects, for three causes: The first cause is, for that they were of longer continuance, for some say this Sect hath byn since the tyme of the Apostles. The 2. cause is, because it is more generall, for there is almost no land in which this Sect doth not creepe. The 3. cause, for that all other Sectes do bring an horror with the haynousnes of their blasphemies against God; but this Sect hath a great shew of godlines, because they liue iustly before men, and belieue all things well concerning God, and all the Articles which are contained in the Creed, onely they hate, and blaspheme the Church of *Rome*.

This saying of *Raynerus* W. C. thinketh may serue to stop the mouthes of Papists from euer more asking *where the Protestant Church was before Luther*? But if W. C. would consider what was granted by *D. White* and *D. Featly* in the Conference with *M. Sweet* and *M. Fisher*, to wit, that the true Church is so visible, as the Names of the Professors in all ages may be shewed out of good Authors, he will finde that this saying of *Raynerus* (supposing it be rightly cited) can neyther stop the mouthes of Papists, nor satisfie the Conscience of Protestants; for first, this which *Raynerus* sayth, doth not proue *Waldenses* to haue ben in all ages, nor to haue ben Protestants. For he only saith, that some said, they were from the tyme of Pope *Siluester*, and some that they were from the Apostles; but what some were these trow yee? I find recorded in good Au-

See Coeffeteau against Plessis.

thors, that these some, were some of the *Waldenses* themselues, who although knowne to haue their beginning of one *Waldo Anno Domini*, 1160. (as *Illyricus*, one of W. C. his owne chiefe Authors, confesseth) bragged as Protestants (knowne to haue had their beginning from *Luther Anno Domini*, 1517.) do brag that they haue their beginning from the Primitiue Church, of the first 300. yeares, yea from the Apostles.

Secondly, the *Waldenses* (as also Protestants) may be said to haue ben so Ancient, either in respect of that doctrine which they hold Common with vs, or in respect of hauing patched vp the rest of their doctrine, with receiuing some or other part of the doctrine of Heretiques of former ages; in which sense I do not enuy their Antiquity, neither haue they any cause to brag of it, for most Heretiques hold some Ancient doctrine in common with vs, and in some one thing or other agree with the most ancient Heretiques, for (as *Rayne-rus* in the same place noteth) all Heretiques although damning one anothers doctrine, yet agree in oppugning the Roman Church, which doth not proue all these to haue been of one, and the same Fayth and Church, one with another, or with the Orthodoxe in all ages, more then the tying together of *Sampsons* foxes by the tayles proueth, that they were all one foxe, or that ech of these foxes had his head turned towards the same way, vnto which ech of the rest (while they looked ech one his seuerall way) did turne himself.

Thirdly, Admit that *Waldenses* had been in all ages, it little auayleth W. C. his cause, vnles he first proue *Waldenses* to haue ben Protestants; which he neyther doth, nor cã do better then is done by *M. Fox*, who is in this point largely refuted by the Authour of the *Three Conuersions*, in *his Examen of Foxes Kalendar*, and others.

If

If W. C. do thinke to proue *Waldenſes* to haue been Proteſtants, for that *Raynerus* ſayth, they beliened right concerning God, and all the Articles of the Creed, and did liue iuſtly before men; I Anſwer, that this doth not proue that they were Proteſtants, nor members of the true viſible Church; for firſt, if this were not (as the former ſpeach was) ſome of the *Waldenſes* owne brags, *Raynerus* may meane, that this ſhew of piety and right belief was onely in the ſight of men; for he affirmeth their errors to be in thēſelues blaſphemous & wicked.

Laſtly, although their beliefe had extended it ſelf to all the Articles of the Creed, yet this is not inough to cleere them from being Heretiques; for one may in ſome ſort & ſenſe belieue all Articles of the Creed, and yet be an Heretique, or not a Catholique Chriſtian, & conſequently no member of the true viſible Church; as wee may learne out of S. Auſten, who in his booke *de Hæreſibus* recounteth many Hereſies, ſome of which are of points not directly and expreſly oppoſite to any of the 12. Articles of the Creed, nor ſeeming to be about any matter of great moment; yet he pronounceth that whoſoeuer doth hold (eſpecially obſtinatly) againſt the knowne Fayth of the Church, any one of theſe, or any other hereſy, is no Catholique Chriſtian; neyther indeed can any one who holdeth ſuch an obſtinate errour or hereſie, haue in him true diuine infallible Fayth of any other Article or point contained in the Creed, as is already proued: neither is that Argumēt good, which W. C. and others ſeeme to make their chief ground of challenging the Fathers, and others to be members of the Proteſtant Church. The doctrine of the Fathers & others, is all one in ſubſtance with the doctrine of Proteſtants in this age: Ergo, the Fathers and others are all of one Fayth and Church with Proteſtants of this age.

Aug. l. de hæreſ.

This

This Argument, I say, is not good.

First, because that the Antecedent is false, and cannot be proued but by such shifts, as I haue already refuted. Secondly, The Consequence is naught; for, to haue vnity of Fayth is required, that the parties do not onely belieue some principall points of Fayth, but they must belieue *explicitè* or *implicitè* all; in regard we read, that for one word or syllable of true Fayth denied, diuers haue ben cast out of the Church; yea *S. Greg. Nazianzen* sayth: *Nihil periculosius hijs Hæreticis esse potest:* there can be nothing more perillous then those Heretiques, who running vprightly in the rest, with one syllable as with a drop of poyson, do infect our Lords sincere Fayth.

Greg. Naz. tract. de fide.

Thirdly, It is not inough to belieue euen all the things which other Christians belieue, vnlesse one do belieue them for the same infallible formall reason of Gods reuelation sufficiently applyed and made knowne to vs by infallible authority of the Church, for if they belieue the same points not for this, but for some other formall reason, or for this formall reason not sufficiently applyed to our vnderstanding, it is not the same, but a different kind of Fayth; for diuers kindes of formall reasons must needes make different kinds of habits and acts of Fayth: *Habitus enim & actus specificantur ab obiectis formalibus.* And if the same formall reaso be not applyed by some meanes sufficient to deriue the effect of that formall reason to our vnderstanding, it cannot breed the same Fayth: As for example, If the reuelation whereupon Fayth is grounded be not at all made knowne to men by some or other infallible meanes, but eyther only by a knowne lyar, or onely by a probable speaker, it cannot breed in them infallible belief. But there is no ordinary infallible meanes by which the diuine reuelation, and the true meaning of it, is made knowne

to

to men, beside the infallible aurhority of the Church. *Ergo.*

Fourthly, Although one haue all perfect vnity in Fayth, and belief of all points, which the ancient Fathers belieued, but wanteth vnion in sacred rites and sacraments, and due subordination of obedience with the visible Pastours of the Cath. Church, he cannot be accounted a member of the said Church: for as want of vnity in Fayth maketh an Heretique, so want of vniō in Sacraments and due subordination of obedience to the Pastours of the Church, maketh a Schismatique. Now, it is certayne, that neyther Heretique nor Schismatique can be a member of the true Church, nor can deriue an vninterrupted pedigree of the professours vpward vntill the Apostles, or the ancient Orthodox Fathers of the Primitiue Church, as may be shewed in particuler in *Luther* (for example) the great Grand-Father of all moderne Protestants, who when he first left Communion with the Roman Church, did not associate himself to any other former visible Church of Catholiques or Heretiques, but made a Congregation of his owne, distinguished in nature and name from all other Congregations in the world.

Lastly, I said that W. C. hath not satisfied *M. Fishers* question with alleadging his 4. Authours, *Illyricus, D. Iohn white, D. Reynolds,* & *Amandus Polanus.* For although *Illyricus* name men in all ages, and do describe some of their doctrine, and some of their acts, yet he neyther doth, nor can proue ech one of those he nameth to be a Protestant, but rather euidently sheweth how that all or most of them did differ in diuers points of doctrine frō the English Protestāt Church. So likewise *Io. White* nameth only one or two in ech hūdred yeare, but doth not proue them to be Protestants, but plainely confes-

ſeth that his meaning is not to iuſtify euery one he nameth to haue bene a full Proteſtant in euery point; neither doth he tell vs which of them in particuler did agree with Proteſtants in all, euen fundamẽtall points. As for *D. Reynolds*, and *Amandus Polanus*, it is alſo certaine, that they do not (as *M. Fishers* Queſtion requires) name men in all ages, who can be proued & defended to haue held all conformable, and nothing contrary to the 39. Articles of the Proteſtant Engliſh Church.

All which being well conſidered, it appeareth, that W. C. who promiſed to diſcouer *Fishers* Folly, hath not diſcouered any great ſtore of wit in his vndertaking to anſwer *Fishers* queſtion, which he is neuer able to anſwere. And if his true name be *William Crashaw*, as is ſuppoſed, one may iuſtly meruayle why he did not rather employ his pen in anſwering a booke called *Pulpit-Babells* written againſt a Sermon of his preached at Paules Croſſe, and printed with the title of Twenty woundes; in which is diſcouered not only his great folly, but alſo malice in ſeeking to wound the Roman Church with ſo many falſe & groſſe ſlaũders, as in the aforeſaid booke called *Pulpit-Babells* is made ſo manifeſt, that W. C. himſelf may well be thought (by his neuer offering to defend that Sermon) to be aſhamed of it, & to wiſh that he had neuer printed, nor preached it.

THE

THE VII. CHAPTER.

About a Treatiſe of the perpetuall Viſibility of the true Church.

I PERSVADE myſelf, that euery one who conſidereth the circumſtances of the Author, Title, time, and occaſion of printing this book, will expect to finde in it a moſt ful and complete Anſwer to *M. Fishers* queſtion; for the Author is ſayd (and by his Armes ſet before is ſhewed) to be the Lord Archbiſhop of *Canterbury*, the Primate of the whole Engliſh Proteſtant Church, a man famous for more then ordinary reading of Hiſtories, and who (as the Preface inſinuateth) hath more trauelled in this Argumēt of ſhewing a perpetual viſible Proteſtant Church, then any other euer did in the Engliſh tongue, who conſequently is moſt likely to want neither will, nor skill to ſet downe Names of Proteſtants in all ages out of good Authors (as *M. Fishers* queſtion required) if any ſuch euer were to be found. The Title is: *The perpetuall Viſibility of the true* (which in this Authors conceipt, is the Proteſtant) *Church*. The tyme, and, as it ſeemeth, the occaſion of printing this Booke, was ſhortly after his Lord. had vnderſtood, what Queſtion *M. Fisher* had propoſed to his Chaplyn *D. Featly*, and that his Chaplyn had boldly vndertaken to ſhew a perpetuall viſible Proteſtant Church, by naming Proteſtants in all ages out of good Authors.

All theſe Circumſtances, I ſay, conſidered, who

would not expect to finde in this booke a most full & complete Answere, sufficient to satisfy any Protestants Conscience, and to stop *M. Fishers*, or any other Papists mouth from euer more asking names of visible Protestants, people, & Pastors in all ages. But hauing perused the Booke, I find not in it any part of a good Answere to *M. Fishers* question. First, for that this booke, quite cõtrary to the title of perpetuall visibility, laboureth to proue, that the Church needs not, nor must not be perpetually visible, but may, yea must be sometime inuisible, and this so necessarily, as that thereupon he frameth this syllogisme:

The true Church must sometime be Inuisible:
But the Romish Church (sayth he) hath byn alwayes visible:
Ergo, Will she, nill she, she is not the true Church.

2. Although it maketh a shew of naming Protestants in some ages before Luther, yet it doth not, (as the Iesuits question required, and as Catholiques do, in shewing the visibility of their Church) set downe from Christ and his Apostles downeward, or from the present tyme vpward vntill the Apostles and Christ, a Catalogue of Names contayning an orderly succession of lawfully sent Pastors in all ages, teaching the perpetuall vnchanged doctrine of Fayth first receiued from Christ; but recknoneth a disorderly confused rabble of Heretiques, who either neuer were lawfully sent Pastours of the Church, or lost their mission, commission, and authority to teach, by changing the first receyued Christian Catholique Fayth, & following their owne, or some other priuate mens phantasie. And besides, it falsly challengeth such for members of the Protestant Church, who neither can agree in doctrine of Fayth one with another, nor with Protestants, and therefore

can

cannot be proued, nor defended to be Protestants.

3. The reasons which it alleageth to proue and defend the Church some tyme to be Inuisible, and such as it nameth to be Protestants, are most weake and insufficient, as will easily appeare, after I shall haue explicated the true state of this question, Whether the true Church be alwayes visible? And what Catholiques meane by the perpetual visible Church? And why they require Names of Pastours, Teachers, and other professours of the first receiued Fayth of Christ to be shewed in all ages out of good Authors? I am the more willing to explicate this as cleerly as I can, partly because I see the Author of this Booke doth mistake, and misreport the true meaning of Catholiques in this point; partly to let it be seene how much it importeth, and how necessary it is for discerning which Company of men is the true Church, of which all sorts are to learne Fayth necessary to saluation, and with which all are obliged to retaine Communion and due subordinatiõ, that the Names of lawfull Pastours be shewed in all ages out of good Authors.

Note therefore first, that this Name *Church*, may be taken in diuers senses; first, for the Company of the Elect, either absolutly, or with some supposition, to wit, of their being actually called by the preaching of Gods word, and participation of the Sacraments, especially Baptisme, to be members of the mysticall body of Christ, & of their finally dying in that state. Secõdly for all such as are actually iust, and liuely members of Christs mysticall body, although in Gods foresight all are not to perseuer to the end in that state. Thirdly, for a Company of men, linked in the profession of the true vnchanged Fayth of Christ, Communion of right sacraments, and subordination to lawfull Pastours, whe-

ther al be predeſtinate or not, & whether al be actually iuſt or not. Now the *Church* in the firſt 2. ſenſes is doubtles inuiſible, in regard none cā without ſpeciall reuelation know certainly who are, or who are not predeſtinate, or actually Iuſt; but in theſe two ſenſes, euery one hath more need (by humble harty prayers and vertuous workes) to endeauour to be, then by curious diſputation to ſeeke to know who is, and who it not, a member of Gods Church.

In this our diſputation therefore the Church is to be taken in the third ſenſe, and the rather, for that the holy Scriptures and Fathers do ſpeak of the Church in this third ſenſe, whenſoeuer they do (as they often do) appoint people to receiue from the Church, doctrinall Inſtruction, and to haue with the Church ſacramentall Communion, and to yeild to the Church obedientiall ſubordination; in which reſpect the Church muſt needs be at all tymes Viſible, and ſuch, as by diligent ſeeking may be found by all ſortes of men in all ages, and in
Iſa. 59. ſome ſort knowne and belieued in particuler to be that ſeede which our Lord hath Bleſſed, and endued with his ſpirit and word, and by which onely (according to the ordinary Courſe of his prouidence) he intendeth to communicate to all men, who do deſire (as all ought to deſire) inſtruction of Fayth, ſacramentall grace, and direction in all practicall matters neceſſary to ſaluatiō.

But whereas the Church in this third ſenſe may be taken eyther, 1. for the whole Company; or 2. for the more principall part, to wit, the Paſtours which haue authority to inſtruct, feed, and rule others, to wit, the people who are to receiue of the Paſtors inſtruction of Fayth, food of ſacramentall grace, gouernement and direction, and (when need is) correction in matters concerning manners; our chiefe queſtion is about the Church in this 2. ſenſe: and in this ſenſe is it, that the

Church

Church hath ben, is, and alwayes ſhalbe viſible euen in greateſt perſecutions of Pagans, and amidſt the moſt thicke myſts of Hereſies and Schiſmes, and ill liues of Chriſtians, according as we may learne out of that ſaying of S. Auſtine: *The Church is clouded ſometymes with a multitude of ſcandals, but euen then alſo she is eminent in her moſt firme members.* Yea in tyme of Antichriſt himſelf, when the Church may be ſaid moſt to flye into the deſert, yet euen then ſhe ſhalbe in ſome of her principall members, not only viſible to the Faythfull, but euen to her greateſt Enemies, who could not perſecute (as they will then moſt terribly) the principall and moſt firme members of the Church, if they were altogether inuiſible vnto them. The Church therefore in this ſenſe is, and muſt be alwayes viſible in ſome ſort both to friends and enemies, both to the Faythfull and Infidels; in ſome ſort, I ſay, but in what ſort it muſt be alwayes viſible, reſteth further to be declared. *Auguſt. ep. 48.*

Note therefore 2. that Catholiques do not affirme that the Church muſt alwayes haue a like manner of viſibility, or at all tymes haue an outward, proſperous, eſpecially pompous, temporall ſtate of Church-men poſſeſſing Churches and Church-liuings &c. or haue alwayes an equall number of Paſtours and people actually profeſſing the truth in all places; For ſometymes the water of perſecutions may ouerwhelme many of the Faythfull people, who at other tymes were ſpread largely ouer the world, and in number as the ſands of the Sea. Sometymes alſo the multitude of cloudes of Hereſies, ſchiſmes, and other ſcandalls may take away from vs the actuall ſight euen of many teachers of truth, who at other tymes did glorioufly ſhine as ſtars in heauen; ſo as in reſpect of this variety of the manner of viſibility, as well as for other reſpects, the

Church

Church may be ſaid to be like the Moone. Neuertheleſſe theſe Compariſons muſt not be ſo farre ſtretched, as that at any tyme the Church ſhould be driuen ſo quite out of all kind of Viſibility, as any ſhould haue iuſt cauſe to ſay (as is ſaid in this booke, that ſome ſaid) that the Church for ſometime was extinct; for althogh ſome ſentences of ſcripture alleaged by this Author againſt the perpetuall viſibility of the Church, ſeeme to ſay, that at ſome tyme not one member of the Church is left on earth, or that when the Sonne of man cometh he ſhall ſcarſe find Fayth on earth; yet theſe generall ſayings are not ſo to be vnderſtood, but that there muſt be alwayes (as this Author confeſſeth) a Church, and, as I ſay, a viſible Church of Chriſt, (as we may learne out of Scripture) againſt which Hell gates can neuer preuayle, and with which Chriſt, and his holy Spirit wilbe all dayes, vntill the end of the world, and in which alwayes ſhalbe Paſtours lawfully ſent, teaching and baptizing, and performing all other offices neceſſary for preſeruation of the Faythfull and conuerſion of Infidels; ſo as it cannot be, but this Church & theſe her Paſtors muſt be at all times viſible, both to Faythfull & Infidels, in ſuch ſort as although perhaps they be not alwayes actually ſeene by all men, yet they may be eaſily found out, and knowne by all who deſire to learne of them Fayth neceſſary to ſaluation: & they neither may ſo hide themſelues, nor can be kept ſo altogether Inuiſible or hid, that men of any age needing and ſeeking Inſtruction of Fayth, cannot by any meanes get any notice of them.

Matth. 16. *Matt. 28. 20.* *Ioan. 14.* *Eph. 4.*

In this ſenſe therefore it is moſt certaine that the Church neuer muſt, nor may, nor cã be altogether inuiſible, but as *Iſaias* propheſieth, her gates muſt be open continually, and ſhall not day or night be ſhut, to the intent

Iſa. 66.

intent that the strength of Nations may be brought vnto her, and their kings; And this in regard of the great necessity people haue to enter into the Church, which is for that, as the same Prophet sayth, the Nation and kingdome which shall not serue her, shall perish. Because therefore it is so necessary to know, and enter into the Church, to serue God in her, and her for God, *it is not* (as S. Aug. sayth) *lawfull for any man to be ignorant of her.* And therefore (as the same S. Austen inferreth) *she cannot be hid,* or altogether inuisible, but must in all ages be knowne in the Nations, and in the midst of people; so as all that see her, shall (or at least may, if they will) know her to be that seed (or society of men) which our Lord hath Blessed: Blessed, I say, more then any other society of men in the world.

Aug. ep. 170.

Ibidem.

Isa. 61.

Note 3. that as by this discourse we see, that the true Church must be alwayes so visible, as that at least some of her principall members must be alwayes eminent & easy to be knowne, both by friends & enemies, Faythfull and Infidels; so it cannot be doubted, but that in all ages, the names, or some things equiualent to names, of such eminent knowne men, may be found in historyes yet extant, as well as the Names of men eminent for matters of far lesse moment are found; for (as I once noted before) there cannot be assigned any reason, eyther of the part of Gods prouidence, or humane diligence, why the Names of men eminent for profession of diuine truth, should be omitted in historyes, written by Friends or Enemies, or that all such Records of historyes, being so necessary for the setting out of the glory of God and his Church, & to confirme the truth of the ancient propheſies, should be quite suppressed, or that any such suppression of Records so necessary could be made without any particuler memory left thereof

in ſome or ot her bookes yet extant in theſe our dayes.

Now this being ſo, we may eaſily ſee, 1. How weakly this Author proueth, that the Church muſt be ſometymes Inuiſible; for ſith one place of ſcripture muſt not be ſo interpreted, as to be contradictory to another, and that by ſome places of Scripture plaine in themſelues, and ſo interpreted by Ancient Fathers; it is euident, that the Church in that ſenſe in which I haue already explicated, cannot be at any tyme altogether Inuiſible. It is moſt certaine, that the other places of ſcripture alleaged by this Author againſt the perpetuall viſibility of the Church muſt be ſo interpreted as they do not proue the Churches abſolute Inuiſibility at any tyme, but at moſt a leſſe viſibility ſometymes then at ſome other tymes; or as meant of the Church taken in the firſt and ſecond, and not in the 3. ſenſe, of which only our queſtion is vnderſtood at this tyme.

2. We may ſee, how much it importeth, for diſcerning which is the true Church of which all men muſt learne true Fayth, that the Names or ſomething equiualent to Names of true Paſtours in all ages, be ſhewed out of good Authors; And how great reaſon Catholiques haue to require Proteſtants who pretend to be the true Church, to ſhew the Names of ſome eminent viſible members of their Church, and eſpecially of their Paſtours in all ages; For if indeed their Church be the true Church, of whome are vnderſtood the glorious things which were in ſcripture propheſied of, and promiſed to the Church, then doubtles it had eminent members, Paſtours, & teachers ſucceeding one another in all ages, whoſe names & memorable actions, ſayings or ſuffringsmay be found in hiſtories yet extant, as the names of ſuch are found whom Roman Catholiques aſſigne for members of their Church; for ſith it much imports,

imports, that matters of ſuch conſequence ſhould be knowne to men of all ages, doubtles Gods prouidence and humane diligence hath not fayled to ſet out and preſerue hiſtories, contayning memory of ſuch principall members of the true Church, & their doctrines & actions, being neceſſary to ſhew the truth of diuine propheſies and promiſes made to the true Church, and to make men diſcerne the true, from the falſe Church, more then in preſeruing memories of leſſe important men and matters, which we ſee to be yet in hiſtoryes extant in theſe our dayes.

If therefore, I ſay, Proteſtants will needs pretend to be the true Church, Catholiques may well vrge them (as the Fathers vrged the Heretiques of their Ages making the like pretence) and ſay with Tertullian: *Edant origines Eccleſiarum ſuarum, euoluant ordinem Epiſcoporum ſuorum, ita per ſucceſſiones decurrentem vſque ad nos &c. Vt illorum primus aliquem ex Apoſtolis, aut Apoſtolicis viris, qui tamen cum Apoſtolis perſeuerauerit, habuerint authorem & anteceſſorem.* Let thē ſet forth the origens of their Churches, let them vnfold the order of their Biſhops, ſo running downe by ſucceſſions vnto vs, as that the firſt of them had for his Author and Anteceſſour ſome Apoſtle, or Apoſtolicall man who perſeuered with the Apoſtles. Which vninterrupted ſucceſſion if they cannot ſhew, as they cannot, but Catholiques can, and do; it may appeare euidently to all men, that Proteſtants are not, & Catholiques are, that Bleſſed Company vnto which the propheſies and promiſes of Scripture (made to the true Church) do belong, and that conſequently all are to account Catholiques, and not Proteſtants, to be the true Church, of which all muſt learne true doctrine of Fayth neceſſary to ſaluation, and with which all muſt be vnited in Church-Communion, and vnto which

Tertul. l. de præſc. contra hær.

all must be subiect in due subordination. Let vs see therefore whether this great Antiquary and Primate of English Protestants, who is commended for hauing more trauayled in this argumēt, then any other writer in our English tongue: Let vs see, I say, whether he can bring a succession of Protestant Pastours downeward as *Tertullian* vrgeth, or deriue their pedegree vpward, 1. naming the men. 2. prouing. 3. defending them to be members of the Protest. Church, in such sort as *M. Fishers* question required.

First, I find, that although he nameth diuers in the ages before *Luther*, *Iohn Huße* and his followers, *Ziſca* & his *Thaborites*, *Wicliff* and his Sectaries, *Dulcinus* and the *Dulciniſts*, *Waldo* and *Waldenſes*, *Berengarius*, and *Bertram* &c. yet he neyther maketh such an orderly cōtinuall Succession of their persons in all ages, as Catholiques do in their printed Catalogues, nor sheweth their agreement one with another, or with Protestants of this age in all points of Fayth as Catholiques (*Gualterus* and others) do shew to be in those, whom they name for mēbers of their Church: neyther doth he sufficiently * proue and defend them to be Protestants against the obiections of Catholiques, as Catholiques, namely L. D. defendeth S. N. his Appendix against the obiections of Protestants: neyther doth he so much as goe about to name (and much lesse to proue or defend) who among this Company were in all ages lawfully sent Pastors, which are necessary to be alwayes in the Church, as not onely scriptures and Fathers, but euen Protestants affirme; who also hold, that the only want of them were a sufficient argumēt to proue the nullity of the Church, as Catholiques do most punctually distinguish Pastours from people, and those which were chiefe Pastors from other their inferiours, and can, and do

* These proofs and defenses which he maketh are in the precedent & subsequent Chapters refuted.

Isa. 59. 21.
Act. 20. 28.
Eph. 4. 11. 12.
Aug. in Psal. 44. Protestant Apol. Trac. 2. c. 8. sect. 8.

do proue and defend their Pastours in all ages to haue byn lawfully sent.

This Booke therefore maketh a most insufficient Answer to *M. Fishers* question, in all these seuerall respects, as may be seene by any who will compare what it bringeth for proofe, or defence of those it nameth, with what I haue already said in my Refutation of the like alledged by *M. Rogers*, or W. C. & that which I am to say against his Chaplain *D. Featly*, and others in the subsequent Chapters,

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THE VIII. CHAPTER.

About a Booke termed: Luthers Predecessours: *set out by a Nameless Author.*

CONCERNING this idle Pāphlet called *Luthers Predeceßours*, litle need be sayd, more then hath ben allready; for neyther doth it name mē in all ages, but onely for 200. yeares before Luther, neyther doth it proue those it nameth to agree with the present English Protestant Church in all the 39. Articles; neither doth it set downe any other ground to defend them to be Protestants, then such as are already, or may be easily refuted, or by which ech other ancient or moderne Heretiques may be defended to be members of the Protestant Church; for as these he nameth agree with Protestants in some of their *Tenets* and especially in their opposition against the Pope &

the Rom. Church; so also do all other both ancient and recent Heretiques, yea Turkes, Iewes, Pagans, and the Deuils themselues.

And as this Author finding these he nameth to agree with Protestants in some kinde of opposition against the Pope, and the Church of Rome, is contented to make a Catalogue of their Names, endeauoring to proue and defend them to be members of the Protestãt Church, although it be manifest that their disagreements from English Protestants, are not onely about small matters, but about matters of great Consequence which touch the very essence, substance, and soule of Protestant religion; as for example about the Article of free Iustification by only Fayth, which was as much oppugned by Wickliff and his followers (who are the men this Author chiefly names), as it was by the ancient Fathers, or yet is by the Pastors of the present Roman Church: So I do not see why he may not also (for that some kind of agreement is found in auncient Heretiques, Turkes, Iewes, Pagans, and Deuils themselues in some points, and especially in their opposition against the Pope and the Church of *Rome*) be content to make a Catalogue of their Names, and with shame inough affirme, proue, and defend them all to be members of the Protestant Church. For if one say, that all these cannot be Protestants, in regard they haue ben condemned by the ancient, and are yet condemned by the present Church; this Authour may say, that it is true, *de facto* they were, and are condemned, but this hindreth not but they may be members of the Protest. Church, supposing that *de Iure* they ought not to haue bene condemned, and their Tenets may be iustified. Now whether *de Iure* anciẽt Heretiques, Turkes, Iewes Pagans, and Deuils were so condemned, as that their

Tenets

Teneis cannot be iustifyed, this Author may doubt; for although they disagree in mayne points, some of which touch the essence, substance, and soule of the Christian Religion, yet they all agree in some poynts, and namely in the chiefe points in which Protestants do agree, to wit, in holding one or other kind of opposition against the Pope and Roman Church. Why therefore may not all their names be put in one Catalogue, and they all be accounted members of one, and the same Protest. Church, as well as Wickliff, and his Followers?

Moreouer, this Author setteth downe certaine strang groundes, which being admitted, I do not see, but all Heretiques may proue and defend themselues to be the true Church against whatsoeuer arguments. For first, this Authour will haue it supposed, that the Church must be proued and allowed by the doctrine, and not the doctrine authorized by the Church; which being vnderstood in the Authors sense, to wit, that ech particuler man must first learne which is true doctrine in all necessary pointes, by reading Scriptures, and thereby proue, and allow those to be the true Church which hould that doctrine in all points which he in particuler iudgeth to be necessary to be held according to scripture, without depending vpon the Iudgment & authority of any Church, or expecting to be taught by it, which be Scriptures, which true Translation, which true Interpretation, & which be truthes fundamentall & necessary to be expresly knowne to all true members of the Church: I do not see, I say, but that any Heretique of whatsoeuer sect, (supposing this false ground) may (by as good an argument, as that which this Author so much commendeth, calling it the Argument of Worthy *D. Featly*) proue himself, and those of his

sect

ſect to be the true Church, and that there were viſible Profeſſors of his Sect in all ages, ſaying, according to the forme preſcribed by this Author: The reformed doctrine which the Church of our Sect holdeth, muſt needes haue Profeſſours in all ages, becauſe it is Eternall, for Eternity muſt needes haue a perpetuall duration without interruption. Which how fooliſh an argument it is, euery man that hath but a meane wit, may eaſily ſee; for if euery man muſt be permitted to cenſure what is Eternall doctrine of Fayth, by onely reading priuatly the holy ſcripture, we ſhall haue ſo many Eternall doctrines of Fayth, as there are different fancies of men, who will Cenſure all, and not ſubmit themſelues to the authority of any Church; which is in *S. Bernards* iudgment, *Intollerable pride*, and in *S. Auſtens*, *Inſolent madnes*. And therefore this Authour muſt know, that although the diuine doctrine in it ſelfe do not need to be authorized by the Church, yet in reſpect of our acknowledging it to be diuine, we muſt heare and belieue thoſe who are knowne by other markes to be lawfully ſent Paſtours of the true Church, as we may gather out of *S. Paul*, in his Epiſtle to the *Rom.* 10. *Epheſ.* 4.

Secondly, this Author will not be tyed to ſhew a viſible conſtituted Church, which may be knowne by diſtinction and ſucceſſion of Biſhops &c. but will haue it ſufficient that any Company (of Lay-men for example) be ſhewed to haue held (not all points but) the mayneſt doctrines maintayned by him and his aſſociates: Neyther will he haue it regarded, if thoſe he ſheweth haue in former tymes ben *de facto* condemned by the Church for thoſe moſt and mayneſt doctrines; but he will haue it ſuffice that he ſay, *De Iure, they ought not to haue ben condemned*; and that he ſay, *I can Iuſtifie*

their

their Tenets: (that is, if he may be allowed to be Iudge of Controuersies, & not to be bound to heare, obey, or submit his Iudgment to any Church) as indeed euery other Heretique may, and will say for men holding some doctrines of his sect (although formerly they haue ben cõdemned by the first foure Generall Councels, or by the Ancient Fathers *S. Austen, S. Hierom, S. Epiphanius*) *de Iure* they ought not to haue bene condemned, and I can Iustify their *Tenets*. Which Plea if it be good, I do not see but it will as well serue to vphold all doctrines, condemned by the aforesaid Ancient Councels and Fathers, as these which are condemned by the Councell of *Trent*, or the present Pastours of the Cath. Roman Church.

But by this Authors leaue, he must be tyed to shew distinction and succession of Protestant Bishops in all ages, or else he cannot shew (as *M. Fishers* Question requireth) a visible Protestant Church in all ages. For as, not onely scriptures and ancient Fathers, but also his Worthy *D. Featly*, and other more learned Protestants grant, Bishops, or at least priests or Pastours must be alwayes in the Church; neither can it be the true Church of Christ, if there be no true Bishop, priest, or lawfully sent Pastour in it. And therefore it was the vsuall argument of ancient Fathers, to vrge Heretiques to shew perpetuall Succession of their Bishops from Christ and his Apostles; which if they could not do, they did account them sufficiently conuinced, not to be the true Church. So *Tertullia*, who sayth: *Edant origines Ecclesiarum suarum &c.* Let them set forth the Origens of their Churches, let them vnfold the order of their Bishops, so running by succession vnto vs, as that the first of them had for his Authour and Anteceſſour, some Apostle or Apostolicall man, who perseuered with the Apostles.

Tract of the visibility of the Church, assert. 4.

Tertul. præscrip. aduers. Hæres. c. 32.

Lib. 2. contra Parm. See also *Optatus*, who sayth: *Vestræ Cathedræ originem reddite, qui vobis vultis sanctam Ecclesiam vendicare:* Shew yee the beginning of your (Episcopall) Chayre, who will challenge to your selues the holy Church.

Sith therefore this Author doth not, nor dare not vndertake to shew Protestant Bishops, or Pastours in all ages, we may conclude that he neyther hath sufficiently answered, nor dare goe about to answere *M. Fishers* question, requiring a visible Church of Protestants to be shewed in all ages, by naming, prouing, and defending out of good Authors, such professors thereof in all ages, as may make a continuall visible Church.

THE IX. CHAPTER.

Concerning D. VVhites Answere.

ALL I can finde in *D. Whites* Booke called: *A Replye to Iesuit Fishers Answer to his Maiesties Propositions*, concerning this present Question is, first this generall bare assertion: *In all ages some Persons held the substantiall Articles of our Protestant Religion, both in the Roman and Grecian Church.* But he neyther nameth the men in particuler, neyther doth he giue a Catalogue of all substantiall Articles, nor a definition, or description well proued out of Scriptures, by which as by a Rule all may know certainly, what is, and what is not a substantiall Article of Protestant Religion.

Pag 19. 140.

Secondly, he tels vs, that *the Gracians maintayne some Articles in common with the Protestants, and that in this Westerne*

sterne part Waldenses, Thaborites, the schollars of Wickiff called Lollards, maintayned the same doctrine in substance with the moderne Protestants, as appeareth by the Confession of their Fayth &c. But these points in which these agreed, eyther are not substantiall, or there were other points as much, or more substantiall in which they differed one from another, and all of them from Protestants; as shalbe shewed whensoeuer *D. White* will make vp his whole Catalogue of Names of these, and all others in all ages, with an offer to proue and defend them to be Protestants; at which tyme also the differences which are found among some of the ancient and moderne Roman Catholiques, may be easily declared, and proued to be nothing so great in matter or manner, as are the differences found betwixt the *Gracians* or *Waldenses, Thaborits,* or *Lollards,* from moderne Protestants, or betwixt moderne Protestants themselues: for, all the differences betwixt ancient and moderne Roman Catholiques are onely in matters of practise, or in points of doctrine not defyned, or not knowne to be defined, nor generally held for diuine truth by the vniuersall Church; neyther is this disagreement maintayned obstinately, but with readines to submit so soone as the Church by her chief Pastour, either alone or with a generall Councell, shall defyne what is to be held for truth; Wheras the Iarrs betwixt moderne Protestants on the one side, and *Gracians* or *Waldenses,* or *Thaborites* or *Lollards* on the other side, are about mayne matters defyned by full authority of the Church, or generally held by the Church; and many of these moderne Protestants hold their opinion so obstinatly that they will not yield, and submit it, although the chiefe Pastor, or a whole generall Councell of Pastours, or all other men in the world (besides themselues) should defyne

the contrary to be truth.

Thirdly, D. *White* ſayth; *If it were ſo, that we could not for certaine ages paſt nominate, or aſsigne out of Hiſtories, any other viſible Church beſides the Roman and Græcian; yet* (ſayth he) *becauſe right Fayth may be preſerued in perſons liuing in a corrupt Church, and becauſe God hath promiſed there ſhalbe alwayes in the world a Church hauing eyther a larger, or ſmaller number of Profeſſors; if Proteſtants be able to demonſtrate that they maintaine the ſame Fayth and Religion, which the holy Apoſtles taught, this alone is ſufficient to proue, they are the true Church.*

But D. *White* ought not to delude his Reader in this ſort ſaying, *if it were ſo that we could not &c.* inſinuating as if he could (if he would) nominate in all ages out of Hiſtoryes a viſible Proteſtant Church, diſtinct from the Roman and Græcian, when he knoweth well inough, that he cannot nominate any ſuch diſtinct viſible Proteſtant Church; or els why doth he not nominate it, hauing ben ſo much vrged to nominate it? why alſo did he in the firſt conference with *M. Fisher* graunt he could not? Secondly, he ſhould not tell vs, that Fayth may be preſerued in perſons, liuing in a corrupt Church; for it is hard, if not impoſſible to imagine how ſo many right belieuers as by Gods promiſes muſt be alwayes in the world, eſpecially obſeruing the precept of Poſitiue and Negatiue profeſſion of Fayth, and executing the duties which muſt alwayes be performed in the true viſible Church, could be preſerued in a corrupt Church, both from being corrupted, and from being noted by the reſt of that corrupt Church; for eyther they did Communicate in ſeruice and ſacraments with theſe of the corrupt Church, and ſo were corrupted by them by doing the contrary to the negatiue precept of profeſſion of Fayth; or if they did not,

they

they could not auoyd being noted by their forbearing to communicate with the corrupt Church, as others in like case were, & are. Thirdly, when he sayth, if Protestants be able to demonstrate that they haue the same sayth which the Apostles taught, it alone were sufficiēt to proue they were the true church; he should remēber, that so may the Arrians, Anabaptists, and euery other sect of Heretiques say; If we Arrians, Anabaptists &c. be able to demonstrate, that we haue the same Fayth which the Apostles taught, it alone is sufficient to proue, that we were the true Church. This Conditionall Proposition therefore which the Doctour bringeth for his vpshot, doth no more proue Protestants to haue had a continuall visible Church, of which the question now is, then the lyke Conditionall can proue Arrians and Anabaptists to haue had a continuall visible Church, which doubtlesse they had not.

If the Doctour infer, that although he onely say, If Protestants be able &c. yet he meaneth to subsume and say absolutly, that Protestants are able to demonstrate &c. I reply, that so also will Arrians and Anabaptists subsume, & not onely so say, but will for proof of their peculiar doctrines, bring more seeming playne sentences of scripture, then are, or can be brought by Protestants for their peculiar doctrines. It is not therefore inough for the Doctour to say, eyther conditionally, or absolutely, The Protestants are able to demonstrate, that they haue the same Fayth which the Apostles taught, for neyther can he truely and cleerly demonstrate, any one Protestant doctrine to haue ben taught by the Apostles, & much lesse all Protestant doctrines; neyther if he could, doth that sufficiently proue, that Protestants had a continuall visible Church, in regard more is required to a visible Church, then only true do-

doctrine; for a schismaticall Company of lay-men may haue true doctrine, and yet they are not a true visible Church, in which must be Pastors teaching true doctrine, and administring sacraments with due subordination of people to Pastors, and receauing instruction and Sacraments at their hands.

D. White therefore is most deficient in his nominating and assigning a cõtinuall visible Protest. Church. It may be, the Doctour being onely assistant to *D. Featly*, who boldly vndertooke to shew Names of Protestants in all ages, did not consent to this vndertaken taske; but if so, why did he not then disclaime, or why would he be assistant to him at all, when he knew before hand that *M. Fisher* meant chiefly to vrge this point? & why doth he not now acknowledge plainely (as the truth is) that none can nominate, or assigne a continuall visible Protestant Church in all ages, out of good Authors?

This for the present shall suffice for Refutation of what *D. White* sayth to this point. As for other matters contained in his large-long-expected, two-yeares-laboured, Impertinent *Reply* to *M. Fishers* Answer to his Maiesties Propositions, I hope the world shall see, ere it be long, very sufficiently refuted: and therefore I will passe to the examination of what *D. Featly* hath said concerning the Question now in hand.

THE

THE X. CHAPTER.

A Reply to *D. Featly* his Anſwere, to *M. Fishers* Queſtion.

DOCTOVR *Featly* being the firſt and principall Diſputãt who did in the Conference vndertake to anſwer *M. Fishers* queſtion, & to ſhew (both by Syllogiſme & Induction) the Proteſtant Church to haue ben alwayes viſible, was firſt & principally obliged to name, proue, and defend viſible Proteſtant Paſtours, and people in all Ages, and therefore ſhould haue been the firſt man who did in print anſwere this queſtion: but I finde him the laſt of ſixe or ſeauen. And it ſeemeth he did of purpoſe delay his Anſwere, partly that he might ſee what acceptance & ſucceſſe the Anſwers of others ſhould haue; that if bad, they might beare the blame, and he being (*Felix ille vir quem faciunt aliena pericula cautum*) warned by other mens harmes, might learne by their errours, to make a better anſwer; but if good, he might be more bold to follow their footſteps, and make vſe of their labours: partly alſo, that he might gaine more tyme and leaſure to deliberate vpon the matter, and to make diligent ſearch into libraries, and to read all, or the chief Proteſtant writers who had handled this Queſtion, & that hauing ſeene all that is, or can be ſaid by others, he might adde what he could by his owne wit and ſtudie, and ſo compile a moſt complete Catalogue of Names

of

of Proteſtants in all ages with ſufficient proofes and defences, or at leaſt grounds of proofe and defence ſo well fortified, as better could not be expected from any Proteſtant.

Wherefore it may be well ſuppoſed, that if any Proteſtant either haue, or can make a good Anſwere to *M. Fishers* Queſtion, *D. Featly* hath made it; But in caſe it ſhalbe found, that *D. Featly* after ſuch a ſolemne and publick vndertaking, after ſo long deliberation, after ſuch diligent ſearching in libraries, and reading other mens bookes, and finally after ſuch ſerious ſtraining of his wit in ſtudy; hath not, nor cannot make a good Anſwer, by giuing Names of Proteſtant Paſtours and people ſufficiently proued and defended to haue made a viſible Proteſtant Church in all Ages: If, I ſay, *D. Featly* haue not in his lately printed Booke made ſuch an Anſwer, let neuer any man expect, that this Queſtion euer will, or can be well anſwered; and thereupon let it be concluded, that the Proteſtant Church hath not been alwaies viſible (nor cõſequently been) in all ages, in ſuch ſort as the true Church of Chriſt hath been and ought to be; and conſequently that the Proteſtant Church is not, nor was not the true Church of Chriſt, of which all men muſt learne that Fayth and Religion which is neceſſary to ſaluation.

Let vs therefore (omitting all by-matters, which may be found in *D. Featlyes* Booke, (to which ſo far as need ſhalbe heereafter Anſwer may be made:) let vs, I ſay, ſeriouſly obſerue what Anſwere he maketh to *M. Fishers* Queſtion requiring Names, proofes, and defences of Viſible Profeſſors of the Proteſtant Church in all ages out of good Authours.

Firſt I obſerue, that *D. Featly* hath not performed his promiſed Induction of Names, of ſuch as he thinketh

keth to be Protestants in all ages (which should be the first parte of his Answere, according to the Methode prescribed by *M. Fisher*;) which argueth that he cannot eyther with good conscience or credit, performe what he promised. For if he could name men in all ages, whom he could with good conscience and credit, proue and defend out of good Authours to haue been Professours of Protestãt Religion, he would (doubtles) as hauing had most vrgent Reasons sufficient to moue him to name them before this tyme, in regard first, of his Aduersaries so much pressing this point both before, in, and after the Conference; and that he may still expect that neither Papists mouthes wilbe stopped, nor Protestants consciences well satisfied, vntill Names of Protestants be set downe in all ages, good proofes brought out of good Authours, and solid defence made against all Obiections.

Secondly, In respect of satisfying his owne promise to make a full Induction, and the promise of the Right Honourable Earle of Warwick, who said he should come againe to name Protestants in all ages.

Thirdly, In respect of verifying his owne words & Arguments vttered in the Conference, by which as is said in *M. Fishers* letter to the said Honorable Earle, he and his assistant *D. White* are so far from hauing discharged themselues of the great enterprize they vndertooke, as they stand more engaged then before to the performance of it; for hauing professed and acknowledged that the true Church, or, to vse their owne words, the Church that is so visible as the Catholique Church ought to be, (and the Church whose Fayth is eternall and vnchanged must be) is able to Name her professors in all ages, either for their owne honour, or for the satisfaction of the world, they must set downe

« Names of their Professours in all ages, or els they sham-
« fully discouer themselues not to be that true visible vn-
« changed Church that can name them. Neither will it
suffice, that D. *Featly* say (as he sayth in his Answere to this part of the said letter) when I disputed thus in the Conference: The Church, whose Fayth is perpetuall

D. Featlyes Reply pag. 343

« and vnchaunged, is so visible, or ought to be so visible,
« that the Names of the Professours thereof may be she-
» wed in all ages; I argued not so according to my
« owne opinion, but as is expresly set downe in the Conference (*ex Concessis.*) This Answer, I say, will not suffice, for according to the Protestant Relation of the

Relation called *M. Fisher* catched *pag.* 171

« Conference, thus did *D. Featly* dispute: That Church
« which is so visible as the Catholique Church ought to
« be, and as the Popish Church is pretended by *M. Fisher*
« to be, is so visible, that the Names of the Professors may
« be produced and shewed. But the Protest. Church is so
« visible, as the Cath. Church ought to be, and as the Po-
« pish Church is pretended by *M. Fisher* to be. *Ergo.*

The Maior of which Argument, cannot be said to be *ex Concessis*, for *M. Fisher* neuer graunted it, but must be held to haue proceeded out of *D. Featly* his owne opinion: for *M. Fisher* denied it, and *D. Featly* went about to proue it, by this ensuing syllogisme set downe by the same Protestant Relatour.

Thus:

« The Church whose Fayth is Eternall, & perpetuall,
« and vnchanged, is so visible as the Catholique Church
« ought to be, and the Popish Church is pretended by
« *M. Fisher* to be.
« But the Fayth of the Protestant Church is Eternal,
« perpetuall, and vnchanged. *Ergo.*

The Maior of which last Syllogisme being by *D. Featly* brought to proue the Minor of the former, argueth

gueth, that as it was his owne opinion that the Protestant Church was so visible, as the Romish Church was pretended by *M. Fisher*, to wit, so visible as names of the professours may be shewed in all ages: So also it was his owne opinion, that, That Church whose Fayth is Eternall and vnchanged, is so visible as the Romish Church was pretended to be, to wit, so visible that the Names of the professours thereof may be shewed in all ages. *D. Featly* therefore must not say (as he doth now say) that he did only argue *ex Concessis*, and not according to his owne opinion.

Moreouer, if it were not his owne opinion, but only *M. Fishers*, that the Church whose Fayth is perpetuall and vnchanged, is so visible that the Names of the Professors may be shewed in all ages, as now he would haue vs thinke; I aske why he did cõtrary to his owne opinion and Conscience boldly affirme in the Minor of the first Syllogisme, that the Rtoest. Church whose Fayth he held to be perpetuall and vnchanged, is so visible as the Rom h Church was pretended by *M. Fisher* to be, knowing that *M. Fisher* held the Romish Church to be so visible, as that the Names of her professors, not only may be shewed, but ought to be, and ordinarily are in printed bookes (*Gualterus* in Latin, & S. N. in his Appendix to his Antidote in English,) both shewed, and proued throughout all ages? Why also did he against his owne opinion and Conscience, delude the Auditours in the Conference, not only with this foresayd (knowne to be false) *Minor* propositiõ, *The Protest. Church is so visible as the Cath. Church ought to be, and as M. Fisher pretendeth the Rom. Church to be:* but also with offering & vndertaking by a full Inductiõ to shew Names of Protestãts in all ages, which (as it now seemeth) in his owne opinion and Conscience he did

not then thinke might or could be shewed, and yet in the same Protestant Relation he is induced, saying: Thus I dispute: *The Protestant Church was so visible, that the Names of those who taught and believed the doctrine therof may be produced in the first hundred yeares, and second, & third, and fourth, and so in the rest.* Ergo. *It was so in all ages.*

Relation called Fisher catched. pag. 26.

Now I aske D. *Fenwy*, whether this argument was made out of his owne opinion or not? If it were made out of his owne opinion, why doth he deny that he argued out of his owne opinion in his Syllogismes, in which no more is affirmed then is in this Induction? But if it were made contrary to his owne opinion, & that in his Conscience he thought he could not shew names in all ages, what a shamlesse Seducer is he, who contrary to his owne Opinion and Conscience, did then make his Protestant Auditours think, and would yet make his Reader believe, that he could, and would name Protestants in all ages, saying in his late printed booke: *Protestants are nominable, their names may be produced, There are Records yet extant, out of which we are able to make a Catalogue of Protestant Professors*: and yet coming to his Catalogue, he only nameth a few for the first two ages. What a sham? What juggling is this? Most impublique Conference (when he saw that his owne credit, and the credit of the Protestant cause did so require) he goeth about to proue, that he can name professors of the Protest. Religion in all ages, but when he is by the letter written to the Earle of Warwick pressed to verifie what he said while he disputed, (which he knoweth he cannot do with credit,) then, forsooth, he telleth, that he did not dispute according to his owne opinion. And yet againe perceiuing, that the world doth expect that Names of Protestants in all ages should be set downe according to the Induction,

which he began to make in the Conference, & which the Earle of *Warwicke* in his behalf promised should be finished, he repeateth his vaine bragge, that he can name Protestants in all ages; but when he cõmeth to his Catalogue, he only nameth as followeth.

The Beginning of the Catalogue.

For witnesses of the Truth, of the doctrine we now professe, and maintaine in the Churh of England, I alleadge,

In the first age, from Christs Birth, to the first hundred yeares.

Christ Iesus.
The welue Apostles.
S. Iohn Baptist.
S. Marke.
S. Luke.
S. Paul, with his Scholers *Titus*, *Timothy*, and the Churches planted, or watered by them.
Romans. Corinthians &c.
Clemens about the yeare 90.
Ignatius about the yeare 100. with the Churches to whom he wrote.
The *Trallians*, *Magnesians*, *Tarsians*, *Philadelphians*. &c.

In the second age, from 100. to 200.

Polycarpus. 140.
Iustin Martyr. 150.
Methodius. 155.
Dionysius Corinthiacus. 158.
Hegesippus. 160. *S. Irenæus*. 160.
Clemens Alexandrinus. 200.

These be all he nameth for Professours of Protestant doctrine maintained in the Church of England; but he neither proceedeth on forward, in giuing Names as he ought according to his promised Induction; neyther doth he out of good Authors, bring proofes sufficient to shew any one of these he nameth to be Protestants, more then may be brought by any other Heretique (as is already said against those which *M. Rogers* named;) neither doth he giue any sufficient grounds, by which he may defend them in better sort, then any other Heretique may defend them to haue ben professours of his Sect; and he may find in the bookes which were eyther written by these he nameth, or which make mention of them, as plaine and expresse places condemning some or other of the 39. Articles, professed and maintained by the English Church, as any he can find condemning *Arians*, *Anabaptists*, or whatsoeuer other condēned Heretiques; neither cā he giue better Answer to such places as are against Protestants, then may, by Arrians for example, or other Heretiques, be giuen to any places which he can out of the said bookes obiect against Arrians or other Heretiques, supposing they may be allowed such libertie (as *D. Featly* taketh to himself) in deuising grounds sutable to their opinions.

Moreouer, diuers of these named by *D. Featly*, are expresly condemned by Protestāts, far more learned then *D. Featly*, for holding the Romā Fayth, or some other opposite to the Protest. doctrine professed in England, in diuers maine points, as may be seen in the Protest. Apologie. But he cannot shew in the like sort Catholique writers who do condemne any one of them for holding Protest. doctrine in any one point, contrary to the Roman Fayth and Religion.

Very idle therefore, and impertinent is this first part

of

of *D. Featlyes* Catalogue, and as idle and impertinent wilbe his proceeding (if euer he will proceed) in it, ſo far forth as he ſhall name any one of the approued ancient orthodox writers. Thoſe other Heterodoxians which his Lord and Maiſter in the Booke called, The perpetuall Viſibility of the true Church, nameth & accounteth Proteſtants, may be ſhewed (euen by confeſſion of learned Proteſtants) in ſome points to haue held the doctrine of the Roman Church, quite oppoſite to the preſent Engliſh Proteſtant Church her doctrine, & therefore neither the one ſort, nor other can help him to patch vp a Catalogue of Proteſtants, in all ages, who can be proued, and defended to maintayne the doctrine of the Engliſh Church; neither can they, and the Engliſh Church compoſe one, and the ſame Proteſtant Church; neither conſequently can the Proteſtant Church be ſhewed by an Induction, to haue been viſible in all ages, as the Doctor did vndertake to ſhew.

See the Treatiſe of the Church ſet out by W. G. in manner of a Dialogue.

2. I obſerue, that *D. Featly* (knowing he cannot with credit name, proue, and defend Proteſtants in all ages, in ſuch ſort as *M. Fishers* queſtion required) vſeth diuers Tergiuerſations, & ſhiftes in this his Reply, thinking therby to auoyd diſgrace to himſelf, and preiudice to the Proteſtant cauſe.

Certaine Tergiuerſations vſed of D. Featly.

Firſt, he goeth about to perſwade his Reader, that there is no neceſſity of producing Names, and that his offer to produce them, is *ex ſuperabundanti*, and conſequently no diſgrace to him, nor preiudice to the Proteſtant cauſe if they be not produced. But by his leaue, he hauing engaged himſelf to produce names, cannot

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auoyd disgrace if he do not produce them. And if neither he, nor any other do produce Names, the Protestant cause cannot auoyde preiudice, as appareth by *M. Fishers* fiue propositions aboue rehearsed, by which is shewed (and against *M. Rogers* maintained) that the Protestant Church cannot be the true Church of Christ, if it haue not had in all ages Pastours teaching, and people belieuing, whose names may be shewed out of Histories. Neyther will any wise man belieue they can be named, if the Names (hauing ben exacted and promised) be not now produced.

Reply touching the visibility of the Church. Assert. 4.

Secondly, *D. Featly* doth confesse, that the true Church hath ben hitherto alwaies in some degree visible, as in histories yet extant is recorded; whence followeth, that the professors of the true Church may in all ages be shewed in such sort as histories do record them: But histories do not only record Names Appellatiues of true professors, or true professours in generall, but also Proper Names, at least of some of the most eminent in all ages: And therefore if in all ages, Names of some Protestants (eminent either for doing, or suffering, or saying some thing which may shew them to haue bene members of the Protestant Church) be not produced out of histories, the Protestant Church is not to be accounted the true Church of Christ.

Thirdly, if some proper Names of other sorts of Professors, who were in ech age, & some of their actions or suffrings, or at least saying (wherby it may be plainly shewed to all sorts, of what Fayth and profession they were) be recorded, and may be, (and if it be exacted shalbe) shewed in historyes yet extant, which were, & are preserued by the prouidence of God, and diligence of the Pastours and people of the true Church, in regard they do one way or other redound to the glory

of God and good of the Church; What reaſon is there to imagine, that the ſame prouidence of God, and diligence of Paſtours & people of the true Church, ſhould not much more carefully haue in like ſort preſerued the memory of proper Names of ſome or other eminent profeſſors of the true Church, & ſome of their actiõs, or ſufferings or ſayings, in all ages, whẽ as this doth moſt greatly redound to the glory of God, and good of the Church, and may both ſerue to ſhew clearly, how the diuine Prophecies and Promiſes of the true Church haue been fulfilled; and may make all ſorts clerely ſee the difference betwixt lawfully ſent Paſtours & preachers, whom holy Scriptures commaund all men to heare, belieue, and obey; and vnſent falſe prophets and vpſtart Heretiques, whom the ſame Holy Scriptures warne all men to auoyd, and not to heare.

Matth. 18. 17. *Matth. 23. & 2. 3.* *Luc. 10. 16.* *Hebr. 13. 17.* *Matth. 7. 15.* *Tit. 3. 10.*

The difference of which two ſorts, all (eſpecially vnlearned men) cannot ſufficiently diſcerne by their only doctrine; for that (as Vincẽtius Lyrinenſis noteth) the falſe prophets and Heretiques can, and vſually do couer their woluiſh ſoule-killing doctrines, vnder the ſheepes clothing of ſeeming plaine words and ſentences of holy Scriptures, which both in Sermons, & in written, and in printed Bookes they vſe to cite as plentifully as true Paſtours; neyther cã a man either by his owne wit, or by hearing Schollers diſpute, or by a pretended priuat ſpirit iudge infallibly, which is the true, which is the falſe ſenſe of Scripture, or which true, which falſe doctrine, eſpecially in all points of Fayth (many of which exceed the capacity of all naturall wit and reaſon;) but muſt learne of lawfull Paſtors and teachers, all infallible diuine truth neceſſary to ſaluation, as *S. Paul* ſayth; *How ſhall they belieue vnles they heare; heare vnleſſe they preach, preach vnleſſe they be ſent*

Vincens Lyrinenſ aduerſus hæreſ. c. 16.

Rom. 10. 14. 15.

ſent? Therefore euery man muſt firſt by ſome other markes find out, who be theſe lawfully-ſent preachers, before he can diſcerne, whether the doctrine taught by them be true; and who be falſe Prophets, that he may auoyd, and not ſo much as heare what they teach. Now among other markes by which true Paſtours may be diſcerned from falſe Prophets, one chief is to haue had lawfull Calling, Miſſion, Commiſſion, and authority to teach, deriued by vninterrupted Succeſſion from the calling, miſſion, commiſſion, and authority to teach, which Chriſt our Lord had from his Father and gaue to his Apoſtles; which ſucceſſion may out of Hiſtories be ſhewed (euen to vnlearned men) to agree only to the Paſtours of the Catholique Roman Church, in ſuch plaine manner as no other ſort of Chriſtians can with any probability (euen in the Iudgment of the ſame vnlearned men) make a like Clayme vnto it. For whereas Roman Catholiques can, & do in printed bookes make a Catalogue, and ſet downe the Names of their Paſtours in all ages, who ſucceeding one another, haue lineally deſcended from Chriſt and his Apoſtles (as may be proued out of good Authours) without changing any one point of the Fayth held, and taught, and deliuered to them by their predeceſſours (as may be eaſily defended, neither can it be contradicted by any ſufficient Inſtance out of the like good Authours;) no other ſort of Chriſtians, differing in doctrine of Fayth from Roman Catholiques, can make a lyke Catalogue contayning Names of their Paſtours in all ages, who ſucceeding one another, haue lineally deſcended from Chriſt, and his Apoſtles, without changing of ſome one, or other point of Fayth held, taught, and deliuered to them by their predeceſſours. For either they will not be ſo ſhameleſſe, or ſenſeleſſe

Rom. 10. 15. Heb. 5. 4. Act. 13. 3. 1. Tim. 4. 14. 2. Tim. 1. 6. Matth. 28. 18. Ioan. 20. 21.

as to ſet downe Names of any in all ages, whom they dare affirme to haue bene profeſſours of their Religion in all ages, but will rather flye to the common ſhift of a pretended Inuiſible Church: or if ſeeing the neceſſity of auoyding this *Charybdis* of an Inuiſible Church, they put away all ſhame, ſetting downe names of men whō they pretend to haue been profeſſours of their Fayth; it may be euidently conuinced out of good Authours, that eyther all, or moſt of thoſe they name, were ſo farre from being profeſſours of their Fayth, as they did condemne it, and held the contrary in ſome or other point.

All which conſidered, *D. Featly* may ſee, what preiudice is like to come to his Proteſtant Church, by his not producing Names of Proteſtant Paſtours in all ages, and by his not prouing and defending them.

The 2. Tergiuerſation and Shift which *D. Featly* vſeth is, that he perſiſteth in ſaying he can name Proteſtāts in all ages. But this he ſayth he will not do, vntill *M. Fisher* anſwere the Challenge which now he maketh, bidding him produce Names of Roman Catholiques in the firſt two ages: which is a moſt impertinent, vnneceſſary, and vnſeaſonable Challenge. Firſt I ſay, it is Impertinent, for whether *M. Fisher* euer or neuer anſwer this Challenge, *D. Featlies* credit and the life of the Proteſtant cauſe lyeth bleeding at the ſtake, and needfully requireth that he, or ſome other ſhould produce Names of Proteſtants in all ages, and proofes out of good Authors, and that he defend them againſt *M. Fishers* obiections, as hath ben already ſhewed. Secondly, it is not neceſſary, that *M. Fisher* ſhould in thoſe ages Name Roman Catholiques. For diuers already haue named them, namely *Gualterus* in his *Tabula Chronographica* in Latin, and S. N. his *Appendix* in Engliſh,

The 2. Tergiuerſation.

gliſh, and M. *Fisher* himſelf in his Reply to *M. Wotton* & *M. White* Miniſters. Thirdly, it is vnſeaſonable to challenge *M. Fisher* at this time to ſet downe Names of Roman Catholiques; for the due ſeaſon to require this of *M. Fisher* only is, (as appeareth by the paper by which *M. Fisher* did engage himſelf,) after *S. Humfrey Lynde*, or his friends, ſhall haue named, proued, and defended viſible Proteſtants in all ages, in ſuch ſort as *M. Fishers* queſtion required: Then indeed, but not before, is *M. Fisher* obliged to name, proue, and defend Roman Catholiques in all ages; and then with Gods help he doth intend to name both Paſtours and people in all ages, which he will proue to be Roman Catholiques, not by ſuch particuler ſentences of ſcriptures or Fathers, which being ſubiect to ſeuerall ſenſes, may by the pertinacie of Aduerſaries ſeeme not to make a cleare proofe, but either by the very Confeſſion of learned Proteſtants themſelues, or by the plaine ſtory of the liues of ſuch as he nameth, or by ſuch cleere teſtimonies as cannot with any reaſon be denied, to proue that they were not Proteſtants, but Roman Catholiques.

The third Tergiuerſation.

A third Tergiuerſation and ſhift vſed by *D. Featly* is, that he would perſwad, that this Methode of requiring Names, it not ſo good as the other which himſelf would haue followed in the Conference: to wit, by prouing the Proteſtant Church to haue been viſible, by a Demonſtration *à Priori*. Two principall Reaſons he bringeth againſt this Method of requiring Names; The firſt is, that many men and matters may haue been, and were, whereof no Names can be ſhewed out of good Authors, either for that Authors did not write of all men and matters, or for that all the Records once written are not now extant. But this reaſon doth not ſhew this Method in this matter to be good. Firſt, for

for that although other men, and matters may haue been, and were, wherof no names are now extant in hiſtories; yet ſuch men as we treat of in this Queſtion, could not haue been doing, ſaying, or ſuffering ſuch things as were neceſſary to be done, ſaid, or ſuffered by ſuch kind of men, but (according to the ordinary courſe partly of Gods Prouidence, partly of humane Diligence,) Names, or ſomthing equiualent to Names of ſome principall men in all ages, doing, ſaying, or ſuffering ſome things by which they may be knowne to haue bene profeſſours of the true Fayth & Religion of Chriſt, may (doubtles) and are found in ſome hiſtories or other monuments yet extant. Secondly, whatſoeuer may be of other mẽ & matters, it is confeſſed by *D. Featly*, that the Names of thoſe whom he eſteemeth Profeſſours of the true Religion of Chriſt, are yet to be found in all ages in Records yet extant. Therefore he hauing engaged himſelf to name the men, and the credit of the Proteſtant cauſe needfully requiring them to be named, as is already proued, he cannot by this idle exception, be excuſed for his not naming them.

The ſecond Reaſon which he obiecteth againſt this Method of requiring Names, and prouing out of good Authours, that the men named were Proteſtants is, that, *Hiſtoria non faciunt fidem diuinam, ſed humanam*; Hiſtories do not (to wit immediatly) breed diuine Fayth, but only humane. But he muſt remember that alſo *Demonſtratio à Priori non facit fidem diuinam, ſed ſcientiam humanam*; A demonſtration doth not (immediatly) breed diuine Fayth, but ſcience either altogether, or in part humane: for, euen true Theologicall Demonſtrations do not breed (immediatly) an act of diuine Fayth, but of Theologicall ſcience, which dependeth partly on Fayth, partly on the light of hu-

mane reaſon; and ſo in part is humane, and not altogether ſo certainly infallible as Fayth, which only relieth vpon diuine authority, which is moſt infallible. And as a Theologicall Demonſtration (if it be a true one) may by the Act of Theologicall ſcience which it breedeth, diſpoſe the vnderſtanding to an Act of diuine Fayth, while the vnderſtanding eleuated by grace doth reflect and conſider the true Concluſion, not as inferred by the force of the Argument, but as conteyned in the reuealed principles of Fayth: So the conſent of vndeniable Hiſtoryes may (by the Act of morally certaine humane Fayth which they breed) diſpoſe the vnderſtanding eleuated by grace, to an Act of diuine Fayth, while the ſaid vnderſtanding doth reflect and conſider the truths ſet downe, not now as ſet downe in humane hiſtoryes, but as being virtually contayned in reuealed Principles, to wit, the Prophecies and promiſes of Scripture which foretold thoſe truthes which are ſet downe in hiſtoryes.

Perhaps *D. Featly* will reply ſaying: Sith a Theologicall demonſtration, eſpecially *à Priori*, doth breed an act of Theologicall ſcience, which is more certaine then the act of morally certaine humane Fayth which is breed by Hiſtories, why ſhould not the Method of that demonſtration *à Priori* which he vrged in the Conference, be thought a more certaine way; and conſequently a better Method to find out the true Fayth, & by Fayth the true Church, then by requiring Names out of Hiſtoryes? I anſwere, that the Queſtion is not now in generall, what is the beſt Method *Speculatiuè* in it ſelf, but what was propoſed in the Conference, as being then for that Matter & Cõpany *Practice* thought to be the beſt Method to make all ſorts, and eſpecially vnlearned men, (ſuch as many of the Auditours were)

and

and namely the old Gentleman for whoſe ſake the Coference was made, to ſee, whether or no, the Proteſtant Church had been in all Ages ſo viſible, as Names of the Profeſſours might be produced out of good Authours, as *D. Featly* did vndertake to ſhew. And this being the queſtion, I affirme that the actuall producing of Names, and prouing and defending, as was then required, was the beſt Method, and would haue moſt ſpeedily and moſt ſoūdly ſatisfied the Auditours: And the other Method which *D. Featly* aymed at, by entring into particuler Controuerſies, would haue ben endles, and could not haue ſatisfyed.

Secondly, I anſwer, that like as *S. Auſtin*, when the *Manichees* promiſed to ſhew him cleere truth, inſteed of thoſe Markes which he ſaid held him in the Church, one of which was that which now is required to be ſhewed, to wit, Succeſſion of Prieſts from the Chayre of *S. Peter*, the Names of whom both *S. Auſtin*, and other Fathers do otherwhere particulerly record, and vrge againſt Heretiques, who cannot ſhew a like Succeſsion: Like, as I ſay, *S. Auſtin* would not in this caſe ſuffer himſelf to be drawen from thoſe Markes of the Church (which he called *Chariſſima vincula*,) by the promiſe of cleere truth made by the *Manichees*, becauſe he found that among them (*ſola perſonat pollicitatio veritatis*) there was but a vaine ſound of wordes, and a bare promiſe of truth: So for the like reaſon *M. Fiſher* had no reaſon to permit *D Featly*, vnder pretence of his promiſed demonſtration *à Priori*, to diuert from the plaine preſcribed method *à poſteriori*, requiring Names of Profeſſors to be produced out of good Authours, which *D. Featly* himſelf doth in a ſort acknowledge to be a good Method; for thus he ſayth. *If we had no other infallible proofe of the true Fayth, then by the perpetuall Viſibility of the Profeſſours*

Auguſt. l. contra Epiſt. Fundamenti c. 4. & 5.

Reply pag. 105.

Profeſſours thereof, I would hold, it as you do, a point of principall Moment to enquire of the viſibility of Profeſſours: But (ſayth he) ſith we haue another more eaſie, direct, and Infallible meanes to procure it, viz: by comparing the doctrine with the Canonicall Scriptures, you ſhall giue mee leaue M. Fisher, rather to follow the Method generally preſcribed & vſed by the auncient Fathers, as I haue shewed, Aſsertion 7, then the other Method preſcribed by you. Thus hee. But if I can ſhew to him firſt, that this other Methode of his, is neither ſo eaſie, direct, infallible, nor vſed by ancient Fathers (in ſuch ſort as he would haue it vſed) but by ancient and recent Heretiques, and only by ſuch; I hope *D. Featly* will giue *M. Fisher* leaue to call him back from his pretended demonſtration *à Priori*, to anſwer the queſtion according to the preſcribed methode *à Poſteriori*.

To ſhew therefore firſt, which Method of theſe two is more eaſie, eſpecially to all ſorts of perſons, I deſire the Reader to reflect vpon what is ſayd of theſe two Methods in A. C. his Reflexion vpon the Conference; where he ſhall find ſo many things needfull for euery one, who would (by his owne reading, hearing, or interpreting ſcripture) find what is the infallible true Fayth (in all points eſpecially,) or how much of this true Fayth muſt of neceſſity be expreſſly knowne by all that are to be ſaued, that it were a madneſſe to expect, that euery one, or indeed any one, ſhould by his owne priuate reading Scriptures, and comparing the doctrines propoſed by ſeuerall ſorts of Chriſtians with the Scriptures, without hearing and belieuing any Preacher, or Church-man knowne to be lawfully ſent by God. All which being, duly, conſidered, I may boldly affirme, that this Method of *D. Featlyes* is not ſo eaſie as the other preſcribed by *M. Fisher*, to wit, firſt by certaine markes cleerly ſet downe in Scripture and

See the anſwere to the pamphlet called, *Fiſher catched &c. cap. 4. §. 3.* of the Method.

and found by hiſtories to agree only to one ſort, to wit, the Roman Church and ſuch as are vnited to her) to acknowledge her Paſtours to be lawfully ſent, to teach true diuine Fayth in all points neceſſary to ſaluation, and conſequently, that euery one may ſecurely, and ought neceſſarily to learne of them Fayth neceſſary to ſaluation.

Secondly, neyther is *D. Featly* his way ſo direct to the finding of the true Church, as *M. Fishers* is, ſuppoſing (as in this Queſtion is ſuppoſed, and may be eaſily proued out of S. Paul) a man cannot (according to the ordinary courſe) haue true diuine infallible Fayth before he haue heard lawfully-ſent preachers of the true Church, and conſequently muſt know firſt by other markes, which is the true Church, of whoſe Paſtours he muſt learne which is the right Fayth, before he can (with infallible certainty) compare the doctrine taught by Paſtors with Scriptures, and therby know them to be true Paſtors. *Rom.* 10. 14. 15.

Thirdly, Neither is *D. Featly* his way ſo certayne or infallible, as the manner preſcribed by *M. Fisher*. For when one hath found out in Scriptures and Hiſtoryes (by the help of learned men) which Company haue alwaies viſibly retained without change the firſt receiued Fayth, and conſequently which Company are the true Church (which holy Scriptures do moſt plainly ſhew to haue auctority from God, & aſſiſtance from the promiſed Spirit of truth to teach all truth) one may reſt infallibly aſſured of whatſoeuer is generally taught, or defined by the full authority of the Paſtours of this Church. But after one hath examined the ſeuerall doctrines of others by his priuate comparing them with Scriptures, and ſhall haue concluded with himſelf which ſeemeth to him to agree beſt with Scri- *Matth.* 28. 19. 20. *Luc.* 10. 16. *Ioan.* 14. 16. *Ioan.* 16. 13. *Ioan.* 20. 21. 1. *Tim.* 4. 14.

pture, he cannot be infallibly ſure that he hath not failed in examining or concluding, and therefore had need to examine this his Examination & Concluſion by a ſecond Examination, and this by a third, and this by a fourth *in infinitum*, without euer reſting infallibly certaine; for although the text ſeeme to him cleere, & the matter neceſſary to be belieued, yet he may be deceiued, in regard words are not alwayes to be vnderſtood in the literall ſenſe, neyther is euery matter needfull to be belieued, which by reaſon of ſome words of Scripture may to this or that man ſeeme needfull.

Fourthly, Neither did the Auncient Fathers vſe D. *Featlyes* Method, at leaſt in that ſort as he intendeth it, to wit, leauing euery man to iudge and conclude what is right ſenſe, out of his owne reading or hearing the Scripture, without depending vpon the Iudgment of the Church for the ſenſe of it. This did not *S. Baſill*, and *S. Gregory Nazianzen*, as is plaine by that which is written of them, to wit, that they ſtudied the holy Scriptures, not interpreting according to their owne ſenſe, but according to the expoſition of their Forefathers. *S. Auſtin* did not ſay, that euery man muſt compare particuler doctrines with particuler texts of Scriptures, and that this was the way not to be deceiued; but he preſcribed this Rule ſaying: *Quiſquis falli metuit &c.* Whoſoeuer is affraid to be deceiued by the obſcuritie of this queſtion, let him aske the Church, which the holy Scripture without all ambiguity doth demonſtrate: wherby he ſheweth that the Iudgment of the Paſtours of the Church is infallible, euen in matters obſcure, and not cleerly ſet downe in Scripture.

S. Baſil. S. Gregory Nazianzen.

Ruffin Eccleſiaſ. Hiſtor. l. 2. c. 9.

Auguſt. lib. contra Creſcō. c. 31.

Neuertheleſſe in one ſpeciall caſe, when queſtion was, which Company was the Church, and the parties betwixt whom this queſtion was, could not agree

of

of any one Church by whoſe Iudgment this queſtion ſhould be decided; In this one ſpeciall Caſe (I ſay) *S. Auſtin* did prouoke the *Donatiſts* (as we do Proteſtāts) to let the matter be tried by Scriptures; but how? not by cōparing ech particuler point of doctrine with particuler texts (as Proteſtants would haue done) but by ſhewing out of cleere text of Scripture the Markes of the church, namely, that the Church muſt be Catholique, and viſible in all ages, and in all nations (as may be ſeene in *S. Auſten de vnitate Eccleſiæ,*) and applying this marke to ech Company, he concluded, that not *Donatiſts* who were not viſible in all ages and nations, but Roman Catholiques only, who haue alwayes been, and are thus viſible, be the true church of which holy Scripture ſpeaketh. In this ſenſe, *S. Auſtin* & we with him, ſay truely, that the Church is to be ſought in the Scriptures, & not in any priuate mans Sanctitie or Iuſtice. In this ſenſe alſo (and not in *D. Featlyes*) *S. Chryſoſtoms* words (ſuppoſing they be *S. Chryſoſtoms*, & not foyſted into *S. Chryſoſtoms* workes by ſome *Arriā*) are to be vnderſtood.

Note how, and in what manner S. *Auſtin* would haue the true Church foūd by Scriptures.

S. Baſill alſo doth acknowledg (as we do) that with whōſoeuer doctrine agreable to holy Scripture ſhalbe found, the truth is alwayes adiudged to be on their ſide; but *S. Baſill* ſayth not, that when queſtion is, (as is betwixt vs and Proteſtants) whether this, or that doctrine be agreable to Scripture, and whether therefore they, or we haue truth on our ſide, that the beſt Method to end this queſtion, is to leaue it to euery priuate man to examine by Scripture, which doctrine is, and which is not agreable to holie Scriptures, and thereupon to conclude which is the true Church: neither doth he ſay, that we muſt belieue euery priuate Doctour, that ſhall tell vs, he can (by ſuch a demonſtration *à Priori*, as *D. Featly* maketh) proue this or that doctrine,

(although contrary to that which is vniuerſally held by the Church) to be agreable to Scripture, and therefore men of his Sect to be the true Church. This *S. Baſill* doth not ſay, nor any other orthodoxe Father. Wherefore this Method of *D. Featly* is neither *S. Baſills*, nor *S. Chryſoſtoms*, nor *S. Auſtens*, nor any other holy Fathers Method, but the contrary, to wit, that all priuate men, (Doctours not excepted) ought to heare, obey, and ſubmit their Iudgment to the Tradition, and authority of the Catholik vniuerſall Church. So as not ancient Fathers, but Heretiques, old and new, and only Heretiques, approue *D. Featlyes* Method, or rather he theirs; for hence did Hereſies ſpring (as *S. Auſten* ſayth) that good Scriptures are (by this kind of priuate examination and interpretation) vnderſtood not in a right and good ſenſe: and that what hath bene once raſhly affirmed, is afterwards obſtinatly defended. And that (as *S. Cyprian* noteth) men do not obey the Prieſt of God, nor do conſider that in the Church there is one Prieſt and Iudge in place of Chriſt. We do not therefore refuſe triall by Scriptures in the right method of the Fathers, but we diſallow *D. Featly* his Hereticall Method of abuſing Scripture, and of making ſuch demonſtrations *à Priori* out of them, to proue the Proteſtants to be the true Church, as the like may be made by all other Heretiques of whatſoeuer ſect, to proue men of their Sect to be the true Church, as I haue proued againſt *M. Rogers*. Neither can *D. Featly* defend his demonſtration to be good, but by ſuch grounds as other Heretiques may defend ſuch demonſtrations, as they may make in defence of their Hereſies to be good.

Aug. in Ioan. Tract. 18.

Cyprian. Epiſt. 55. ad Cornel.

And this ſhall for the preſent ſuffice, for refutation of *D. Featly* his Method, which being now ſhewed to be neyther ſo eaſie, nor ſo direct, nor ſo infallible,

nor

nor ſo approued by holy Fathers, as *M. Fishers* Method is, but a Method vſed by Heretiques and only Heretiques; *D. Featly* muſt leaue this his Method, and if he be as good as his word, he muſt hold it (as *M. Fisher* doth, and as it is indeed) a point of principall moment, to enquire of the viſibility of the Profeſſors of the Chriſtian Religion, who neuer changed the firſt receiued Fayth, and therby conclude, which is the true Church of which all may and ought to learne, which is, or is not true Fayth. For if it be true, which truth it ſelf hath enforced out of *D. Featlyes* owne pen, *That the Scripture doth shew the holy Catholique Church, both to haue perpetuall vnchanged Fayth, and alſo to be perpetually viſible; and that* (as he further proueth) *it shalbe viſible in all ages and Nations, hauing the ſpirit of God in it, and the word of God preached, and Sacraments miniſtred by the Paſtours of it*: If it alſo be true, that holy Scriptures haue ſhewed this to be true by way of prophecie or promiſe, as appeareth by the textes which *D. Featly* himſelf citeth for proofe that the Church muſt be alwaies viſible in māner aforeſaid: and that hiſtories do witneſſe theſe prophecies and promiſſes of this perpetuall viſibility to haue been hitherto fulfilled, as *D. Whitaker* acknowledgeth ſaying; *Whatſoeuer the Prophets haue foretould of the propagation, largenes and glory of the Church, Hiſtories do moſt cleerly witnes.*

Pag. 103.

VVhitaker. lib. 7. contra. Duræum. pag. 472.

Laſtly, if it be true that without hyſtories we could not know theſe Prophecies to haue been fulfilled in time paſt, as Doctour *Iohn Whyte* cōfeſſeth, neither conquently ſhould God receiue the glory, nor we the comfort which followeth this knowledge, if hiſtories (or ſome other thing equiualent) were not extant, in which the fulfilling of theſe prophecies and promiſſes of holy Scripture is cleerely witneſſed, not only in generall termes, but (as true and good hiſtoryes do ordi-

D. Iohn Whyte in the way, pag. 221. Things paſt cannot be knowne but by hyſtories.

dinarily) by ſetting downe the particuler Names of Countryes and Cities where, and at leaſt of ſome of the moſt eminent viſible Paſtours & people, of whom this fore-propheſied, and fore-promiſed viſible Church in all ages and Nations did conſiſt: If (I ſay) all this be (as it is) true, it euidently followeth, as *M. Fiſher* vrgeth in his fiue propoſitions; That if Proteſtants be the true viſible Church, then out of Hiſtories Names of their Profeſſors in all ages may be produced; and *è contra*, if their Names cannot be produced, they were not, nor are not the true church, & therefore *D Featly* the Proteſtants Champion, being by promiſe engaged, muſt produce Names of Proteſtants in all ages, or els he doth giue iuſt cauſe to all men to thinke, that the Proteſtant Church is not the true Church.

The 4. Tergiuerſation.

A fourth Tergiuerſation vſed by *D. Featly* is, to referre his Reader to other Proteſtant writers, making it ſeeme, that theſe men haue already ſo ſatisfied the queſtion that more need not be ſaid. But it is certaine that none of the Authours vnto which he doth refer vs ſet downe a competent Catalogue of Names of men, which are, or can be proued, or defended to be Proteſtants according to the Method preſcribed; and therefore *D. Featly* muſt giue a better, or els his promiſe is not fulfilled.

The 5. Tergiuerſation

A fifth Tergiuerſation and ſhift vſed by *D. Featly* is, that hauing named Chriſt and his Apoſtles, and ſome others of the firſt 200. yeares, he doth not bring any reaſon or proofe to ſhew thoſe he named to be Proteſtants; which ſheweth that he, who was ſo forward to diſpute, did not in the Conference (nor yet doth) ſincerely and ſeriouſly, for only truths ſake, ſeeke to diſpute about Chriſt and his Apoſtles, but did in the Conference make offer to diſpute about Chriſt, only for a

Tergiuer-

Tergiuerſation and ſhift to eſcape the *Non-plus*, which he ſaw he ſhould haue been put to, if he had proceeded in naming, prouing, and defending Proteſtants in all ages out of good Authours, according to the Method preſcribed in *M. Fishers* Paper.

4. I obſerue, that *D. Featly* hath ſet downe certayne grounds, by which he intendeth to make a ſhew of naming, prouing, and defending Proteſtants to be in all ages; which ground I will diſcuſſe, and ſhew to be moſt inſufficient to ſupport the frame of the pretended viſible Proteſtants Church in all ages.

D. Featlyes grounds examined.

First, *D. Featly* would haue it ſuffice, that he ſhew any Company of Profeſſours of the Proteſtant Fayth, whether vnited vnder one gouernment, in one Countrey, Kingdome, or Empire, or ſcattered through the whole world, and whether they know one another corporally, or not. But by his leaue, this will not ſuffice, for that he himſelf acknowledgeth that the Church extends it ſelf to all that profeſſe true Religion, and participate in the pledges of ſaluation, and that ſuch a Church hath euer been, and ſhalbe in all ages and Nations, and that it hath the word of God preached, & Sacraments miniſtred by Paſtors &c. and therfore although it may be that ſome one of the Church may not corporally know all others who are members of the ſame Church; yet there muſt be alwayes ſome vnion of the members, preaching, and hearing Sermons, miniſtring & receauing ſacraments &c. or els they cannot be properly a Church, or at leaſt not that Church of which *M. Fishers* queſtion is, to wit, the viſible Church of Chriſt, which alwayes hath ben, is, and ſhalbe viſible in all ages & natiõs, as *D. Featly* himſelf confeſſeth.

D. Featlyes first ground examined.

Assert. 4.

2. D.

D, Featlyes 2. ground examined.

2. *D. Featly* would not haue it needfull that the Names of Protestants, vnder this denomination, be shewed in all ages; for he confesseth that this Name came vp of late (as sayth he, the Names of Papistes, and Iesuits) and would haue it suffice, that Protestants in doctrine be shewed, vnder whatsoeuer Names. But he must remember that there is a great difference betwixt the Name of Papist or Iesuite, and the Name of Protestant: for the Names Papist and Iesuite, do not denominate men of a Fayth newly sprung vp, or different in any least point from the Fayth of the immediatly precedent, or then present Church, when those names came first vp; and so sith the least difference in Fayth doth (as it is in Numbers) change the *species*, or kind of Fayth, it followeth, that either the Protestant Church is not the true Church, or the true Church (cõtrary to (*) confessed Scripture) changed her Fayth.

(*) *D. Featly pag. 103. confesseth*, Scripture to shew the Church to haue vnchãged Fayth.

D. Featlyes third ground examined.

3. *D. Featly* would haue it suffice, that names of men be shewed, whose Fayth and doctrine are positiuely comprised in, and confined to Scripture, and oppositely, as it is repugnant to all errors in Fayth and manners, against holy Scripturs, especially against the present errors of the Church of *Rome*. But this will not suffice to end the present question and controuersy betwixt *M. Fisher* and him, vnles he first proue, That all true Fayth is comprised and confined to Scripture. Secondly that all Protestants Fayth is compriled in Scripture. Thirdly, that the present Romish Church holdeth errours against Scripture. It may be, that *D. Featly* wil offer to proue all these points by Scripture; But it is not inough to make a bold offer, but he must actually performe, and must before hand tell vs, who shall be Iudge, whether in performing this he do alledge true text, true translation, true interpretation, &

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out of all this make an infallible consequence sufficiet to proue the aforesaid points. There is no reason that himself should be Iudge in his owne case, neither is it reason, that he assigne for Iudge any other (especially English) Protestant, or some other condemned Heretique; & yet if he did, he could hardly proue the whole and entire English Protestant Fayth to be comprised in Scripture: for at least in some one or other point he would find a great difference of Iudgment betwixt himself and other Protestants, especially Lutherans, who though they were the prime and principall (and so ought to be deemed the purest) Protestants, will say, 1. That *S. Iames* his Epistle, which English Protestants do belieue to be Scripture, cannot be proued to be Scripture out of only Scripture. 2. A *Lutheran* will say, that the English Protestant fayth denying Christs reall and substantiall presence in the Sacrament, is not comprised in, but rather opposite to the Scripture. 3. A *Lutheran* wil say, that the doctrine of the Romã Church so far forth as it holdeth reall and substantiall presence of Christ in the holy Sacrament, is not an error against Scripture, as our English Protestants hold it to be.

If *D. Featly* assigne no earthly man to be Iudge of these Controuersies, but leaue it to only Scripture; I aske, when, or how, these and other Controuersies wilbe euer ended, when ech man will bring for his opinion (to him seeming) cleere Scripture, and wil answere (as he thinketh) cleerly all other Texts of Scripture, though to others seeming cleere for the contrary opinion. If *D. Featly* say, that the end ought to be made by force of demonstration out of Scriptures, which although it do not actually cõuince those who vnderstand not the termes, or who are wilfully obstinate, yet it will enforce assent in euery piously disposed

perſon I anſwer, that although this may be ſo in ſome mé whoſe vnderſtáding is good, & whoſe will is well diſpoſed, and in ſome matters which are cleere, & may be cleerly ſeene by reaſon it ſelfe, or which are already believed, or are eaſily believed, and are ſo cleerly ſet downe in Scripture as no Chriſtian wil doubt or make queſtion; yet if we ſpeake of the ordinary ſort of men, and of ſome, euen mayne matters, and ſeeming to be cleerly expreſſed in Scripture; for example, Real and Subſtantiall Preſence of Chriſt in the holy Sacrament, Conſubſtantiality of Chriſt with God the Father, and ſuch like which be aboue the reach of reaſon, and which by reaſon of other texts of Scripture, or opiniõs of learned men haue been called in queſtion; it willbe hard to make ſuch a cleere Demonſtration out of Scripture, as to conuince any Heretique prepoſſeſſed with the contrary opinion, eſpecially if he once haue by reading Scripture perſuaded himſelf throughly that he vnderſtandeth aright what is the true meaning of Gods word in any one Text which may ſeeme conformable to his opinion; for when a man hath once ſo ſetled errour in his vnderſtanding, and perſuaded himſelf that he hath warrant of Gods word for his opinion, there is not any Demonſtration which can be made out of any other, though ſeeming moſt cleere, Texts of Scripture ſufficiẽt to conuince him, but he will ſtill hold the errour which firſt poſſeſſed his heart, and will according to it inuent one or other Anſwer to the Text alleadged, or to the argument. And therefore vnleſſe *D. Featly* can giue ſome infallible Rule, by which euery man may infallibly and eaſily know how to vnderſtand the termes of ech text of Scripture in the right ſenſe, ſo as to make euery man agree when wordes are to be taken properly, when figuratiuely, which is impoſſible

possible; it is not possible, that by confining men to pick their Fayth out of only Scripture, or to be iudged by only Scripture, Controuersies in matters of fayth can be preuented or ended; which might be easily preuented or ended, if the auctority of the Pope, or chief Pastour, and Councels be admitted, according to the practise of the Apostles and Fathers of all ages, to ouersway priuate mens(though neuer so seeming holy, or learned) Iudgements.

4. *D. Featly* will not tye himself to shew in all ages Protestants, who did renounce all, or directly oppugne any one particuler doctrine of the Roman Church, but graunteth that these who renounced all those Roman doctrines of fayth, which he calleth errours, could not be much before Luther; And therefore he would haue it suffice to the essence and substance of Protestants in fayth and doctrine(whatsoeuer name they be stiled by, as *Becherits, Berengarians, Petrobrusians, Henricians, Albigenses, Waldenses, Dulcinists, Lollards, Linadamits, Wiclefists, Hussits, Reformers*)that they hold the Protestant fayth implicitly and virtually, that is to say, sayth he, if they hold the Scripture for the sole and entire rule of fayth, and consequently condemne all doctrines of fayth against, and beside the holy Scriptures, especially if they deliuer such positions & doctrines, from whence by necessary and infallible Consequence, some particuler error of the Romã Church(although not perhaps sprung vp in their tyme) may be reselled. *D. Featlyes 4. Ground examined.*

This ground *D. Featly* hath deuised, thereby to giue himself scope, and therby hope to name, proue, and defend visible Protestants in all ages, as by a lyke deuising of grounds it is easie for any Heretique of whatsoeuer sort to proue and defend men of their sect to haue ben in all ages. But least *D. Featly* should please himself to

much with this his deuice, I will firſt diſproue this groũd. Secondly I will ſhew, that although this groũd were true, yet he could not by it truely name & ſoũdly proue and defend Profeſſouts of a viſible Proteſtant Church in all ages, in ſuch ſort as *M. Fishers* queſtion did require; nor at all, vnleſſe he will diſclaime from all theſe which he hath named in the firſt 200. yeares, and will ſet ſuch in their roomes as may be ſet with ſmall credit, and ſhame inough to the forger of this falſe ground, and to the great diſgrace of the Proteſtants Church, ſuppoſing it haue not, as it hath not, any better ground, wherby it can pretend to haue had viſible Profeſſours in all ages.

For diſprooſe of this ground, I need ſay no more, but that it is a new deuice vnwarranted by Scripture, or conſent of Fathers, or any ſufficient reaſon: for what Scripture, or Fathers, or reaſon doth ſhew it to be ſufficient for to make a Proteſtant to hould the Scripture for the ſole and entire rule of Fayth, eſpecially when all or almoſt all ſorts of Heretiqnes hold Scripture to be the ſole rule of Fayth? Secondly, this ground is grounded vpon falſhood, to wit, that Scripture is to be held for the ſole and entire Rule of Fayth, ſo as all vnwritten, although diuine, Traditions are to be excluded from being any rule or part of the rule of Fayth. This to be falſe I proue out of *S. Paul*, who ſayth expreſſly *Tenete Traditiones*, hold the Traditions, *which you haue learned, whether by word, or our Epiſtle.* Ergo, there are ſome diuine Traditions deliuered by word of mouth which muſt be held by good Chriſtiãs, as well as thoſe which *S. Paul* deliuered in his Epiſtle. Neither can *D. Featly* eſcape by ſaying, as once *D. White* ſaid, that thoſe Traditions which then were vnwritten, were afterwards written: for how doth he know that they were afterwards

2. *Theſſ.* 2. 14.

D. Francis Whyte in the firſt Conference with M. Fisher.

wards written? It is a principle of Proteſtants, that nothing pertayning to Fayth (as to know whether ther be, or be not ſome diuine vnwritten Traditions, needfull to be belieued by good Chriſtians, greatly pertaineth to Fayth) muſt be affirmed without ſome cleer text, or euident conſequence out of Scripture. But no cleere text, nor euident conſequence out of Scripture telleth, that theſe vnwritten Traditions which *S. Paul* ſpeaketh of in this place (and thoſe other which Chriſt himſelf ſpeaketh of, when he ſaid *multa habeo vobis dicere*, I haue many things to ſay to you which you cannot now beare, but the Paraclete the holy Ghoſt when he cometh ſhall teach you all things) were after written in any booke now extant of Canonicall Scripture. *Ergo*, neyther *D. Featly*, nor *D. White* may affirme that theſe, and all other diuine Traditions needful to be belieued (by ſome or other, Paſtours or people) which once were vnwritten, were after written. *Ioan. 16. 12.*

The conſent of Fathers for vnwritten Traditions may be ſeene in *Bellarmine*, and *Coxius*, and *Gualterus*, and others. The Reaſons alſo which Bellarmine & others bring are vnanſwerable, and namely this; Proteſtants themſelues do hold it needfull to belieue by diuine Fayth all thoſe particuler bookes, which they account Canonicall, to be diuine Scripture, and euery ſentence and word which is in them to be worthy of diuine & infallible credit. But no cleere text of ſole Scripture is a rule of it ſelf alone, ſufficient to aſſure that all the ſaid bookes are diuine &c. *Ergo*, either they hold it needfull to belieue theſe bookes to be diuine by diuine Fayth without any diuine rule or ground (which is to ouerthrow diuine Fayth) or they muſt admit an vnwritten rule and ground, by which they may be ſufficiently aſſured that theſe bookes be diuine, and euery

ſentence and word in them worthy of diuine and infallible credit.

But admitting for arguments ſake, that it were a ſound and true ground, That euery one, and onely thoſe, were Proteſtants who hold the Scripture to be the ſole and entire Rule of Fayth, (and who conſequently condemne all doctrines of Fayth which be contrary or beſides Scriptures &c.) let vs ſee what vſe *D. Featly* can make of this ground. Firſt, he cannot by this ground name men in all ages, who did hould the Engliſh Proteſtant Fayth, and who did not contradict, and condemne any one Article expreſſed in the 39. Articles, as *M. Fishers* queſtion required: for one may hould Scripture to be the ſole rule, and yet condemne ſome of the 39. Articles, as is euident by all ſuch Proteſtants who refuſe to ſubſcribe to the ſaid Articles.

Secondly, He cannot by it proue theſe he named, to wit, Chriſt and his Apoſtles, and the other primitiue Fathers of the firſt 200. yeares, or others of ſucceeding ages, to be Proteſtants. For, to proue this, he muſt not only ſay, he doth not find in Scripture, and thoſe Fathers writings any mention of any Rule of Fayth, beſide Scripture, for this were only *Argumentum ab auctoritate negatiua*: which is of no force againſt vs, as is already ſhewed. Neither muſt it ſuffice to proue Chriſt and the Apoſtles, and other primitiue Fathers to be Proteſtants, that he can bring ſome ſentences of Scripture, or thoſe Fathers out of which Proteſtants vſe to make Arguments againſt vnwritten Traditions, or other Roman doctrines, as it did not ſuffice to proue Chriſt and his Apoſtles, and Primitiue Fathers to be Arrians, that ſome could, and did bring out of the ſame Scriptures and Fathers (to them ſeeming moſt cleere) ſentences, out of which they made ſeeming ſtrong Arguments

Supra cap. 5. againſt M. Rogers.

guments againſt the Conſubſtantiality of Chriſt.

If *D. Featly* ſay, that the ſentences with he, & other Proteſtants bring, are cleere, not only ſeeming cleere; and the conſequence which they deduce are good, & not only ſeeming good; I aske, *quo Iudice*? who being iudge, are the ſentences brought by Proteſtants, cleere, and their Conſequences good? If this be ſo only in the Proteſtants owne Iudgment; ſo, if an *Arrian* be iudge, the ſentences they brought and Conſequences they made, wilbe iudged cleere and good. But as no reaſon did permit that *Arrians* ſhould be iudges in their owne cauſes, but were to be iudged by the Councell of *Nice*, which partly by Scripture and partly by Tradition did iuſtly condemne them, as hauing obſerued that their denying of the Conſubſtantiality of Chriſt, had a noted Authour, and was at the firſt publication contradicted, and after condemned by the ordinary Paſtors, as a profane Nouelty, and as an Errour contrary to the common Fayth of the Church; In which like ſort the *Arrians* could not ſhew the affirmatiue doctrine of Conſubſtantiality, either then, or formerly to haue had a like noted Author, and to haue been at the firſt publication contradicted or condemned by a lyke lawfull Iudgment of ordinary Paſtours, as a nouelty and an errour contrary to the common Fayth of the Church: So neyther is it reaſon that Proteſtants ſhould be iudges in their owne cauſe, but were to be iudged by the Councell of *Trent*, which did iuſtly condemne them, partly by Scripture, partly by Tradition, as hauing obſerued that their denying the authority of the vnwritten diuine Traditions, and other their nouell negatiue doctrines, had noted Aurhours, and were at the firſt publication contradicted, and after condemned by the lawfull Iudgment of ordinary Paſtors of the

the Church for Nouelties and Errors againſt the cõmon Fayth of the Church. In which like ſort Proteſtants cannot ſhew, that any one of our Catholique affirmatiue Doctrines, maintayning the authority of vnwritten diuine Traditions, Tranſubſtantiation, Purgatory, Indulgences &c. had any noted Authors, or were at the firſt publication contradicted & condemned by a like lawfull Iudgment of ordinary Paſtours of the then being church, for errours contrary to the common Fayth of the Church.

The which difference doth ſhew, that our ſaid Catholique doctrines defined in the Councell of *Trent*, as well as thoſe which were defined by the firſt foure generall Councells, were doctrines belieued by the Church in all ages, either expreſly or implicitely, although perhaps this belief was not ſo cleerly expreſſed in the writings of thoſe Fathers who liued before theſe Councells, as was in the Councells themſelues. For although it is not to be doubted, but the Primitiue Fathers hauing receiued the whole truth from the Apoſtles, belieued it entirely as well before the Councells as after, *explicitè*, or *implicitè*, yet we ar not aſſured that all which they thus belieued, is expreſſed in their writings, nor that all which they wrote did come to our hands; but we may be ſure, that (in caſe any thing contrary to the former Fayth of the Church, and not at leaſt implicitely inuolued in ſome other ground of Fayth, had bene taught by any ancient Father or latter writer) neyther gods prouidence, nor the human diligence of Paſtours would euer haue permitted it to haue bene defined in any, eſpecially generall, Coũcell; neither could it haue come to be publiquely preached & practiſed, but the firſt publiſher would haue ben noted, and his doctrine contradicted and condemned by lawfull

lawfull authority of Paſtours, as we ſee (by record of Hyſtories) hath bene whenſoeuer any like, or far leſſe nouell doctrines haue ben brought in, by any Hereticall Conuenticle, or teacher contrary to the former Fayth of the Church.

It may be that the deuill might ſecretly ſowe the tares of ſome errors in the harts of ſome few, or might get them to whiſper them ſecretly from one to another in corners, before Paſtours could take notice; but when once they ſhould be publiquely preached or practiſed, the Paſtours could not be ſo Ignorant or negligent, but they muſt needs haue perceiued a palpable difference betwixt wheate and tares, betwixt venerable Ancient Fayth, and abhominable nouell errour; Chriſt his holy Spirit at leaſt would not haue neglected to excite the Paſtours (being watchmen placed by him vpon the walls of this *Ieruſalem*, and being appointed by him to gouerne the Church) but would haue made them oppoſe themſelues, and reſiſt euery ſuch, eſpecially groſſe Innouation, euen with open reprehenſion and publique Condemnation. Neither is it poſſible that Hell gates could by any craft of Sathan ſo much haue preuailed againſt the Church, as by any ſuch vniuerſall Innouations in any age, either quite to take away the Fayth out of the Church, or to make it quite inuiſible, or to make all true profeſſours ſo irreligiouſly ſecret among themſelues, or ſo deepe diſſemblers as they neyther would (when the glory of God and good of ſoules required) diſcouer themſelues to be true belieuers, nor could be diſcouered by any of the world, to be as they were, or ought to haue ben, men abſtayning from Rites & ſacraments of other different Religions; and hauing ſome ſpeciall rites and ſacraments of their owne, vnto which they reſorted ſometyme among themſelues.

Iſa. 62. 6. *Act.* 20. 28. *Matth.* 16. 18. *Oſee* 2. 19. 20. *Matth.* 5. 14. *Rom.* 10. 10. 2. *Cor.* 6. 15. 1. *Cor.* 11. 17. 18.

It is therefore a moſt idle dreame to imagine, as Proteſtants imagine, that the Roman Church hauing ben once the right, and true Church, profeſſing the true Fayth, did, or could fall ſo inſenſibly (as *D. Featly* his ſimilituds inſinuate) into ſo many and ſo groſſe ſuppoſed errours publiquely preached and practiſed, without being noted, contradicted and condemned neere about the tyme of the firſt publication thereof. For, our queſtion requiring the tyme of the firſt vprising of any of our ſuppoſed errors, is not meant of the firſt inſtant, or ſecret beginning of any error, but of a morall latitude of time about the firſt publique preaching and practiſe of ſome notable errour, which could not haue ben in the Church, eſpecially for ſo many hundred of yeares, as thoſe our ſuppoſed errors are ſuppoſed to haue been, without a ſenſible and publique noting, and condemning of the firſt preacher or practiſer of euery ſuch notable, and (as Proteſtants imagine to be now in the Romã Church) abhominable Idolatrous errours. Neyther if any ſuch publique noting, and condemning of the beginner of any ſuch errour had ben, could hyſtories yet extant be altogether ſilent, of time when, place where, and the Name, or ſome thing equiualent to the Name of the perſon who was the firſt publiquely noted preacher or practiſer of any ſuch errour, and of them who noted and contradicted him, at leaſt by ſome probable coniectures, as is vſed in hyſtories in ſome caſes, wherof the abſolute certainty of time, place, or perſon is not punctually knowne.

Hence appeareth how vaine is that imagination of *D. Reynolds*, which *D. Featly* citeth and commendeth. Hence alſo is made manifeſt, that the whole aggregate or Congeries of ſimilitudes and inſtances, by which *D. Featly* would perſwade that Roman errors ſtole inſenſibly

sibly into the Church, are not only no good proofes, but come nothing neere the explication of the point. For all D. *Featlyes* similitudes and instances are either about matters secret, or not notable, or of such small moment as few or none haue, or ought to haue care to note, or contradict, or make mention of them in hystories; but such things as Protestants account errours in the Roman Church (for exãple, Veneration of images, adoration of the Sacrament with beliefe that Christ is substantially present) are publique and notable matters, and of such moment, as if they had bene thought errours (especially in such a high degree, as Protestants think them) contrary to the Scripture and the Fayth of the Primitiue Church, they could not haue bẽ brought in without being noted by Pastours, who vsually doe, and by their office are bound to note, contradict, and condemne the first publique introducers of all notable nouelties, and much more all grosse idolatryes and superstitions. Cleere therefore it is, that D. *Featly* cannot by this his foresaid ground, proue or defend Christ, his Apostles, *Ignatius*, and the other Fathers to be Protestants, and therefore if he will haue this ground stand good, he must blot the names of Christ and his Apostles &c. out of his Catalogue, and so must either not giue names of Protestants in all ages, which is to break promise, shame himselfe, and ouerthrow his cause; or with more shame and sinne make a full Induction of all Heretiques old and new; and if that will not serue, he may adde Satan himself the first Authour of Heresie, and of all Ill. *Act.* 20. 28. *Rom.* 16. 17. *Tit.* 1. 9.

For sith this foresayd ground doth not define, nor giue a Rule which doth infallibly determine how many, and what Bookes, & what parts of those Bookes be diuine Scripture, nor obligeth euery one to any particuler

ticuler Text, or Tranſlation, or Interpretation, and cõſequently leaueth it free for euery one to chooſe what bookes, and what parts therof he will acount Scripture, and what text, tranſlation, and interpretation he will follow for the rule of his beliefe: I do not ſee, but euery Heretique ould & new, and Satan himſelf may (in this *larga-manica* manner) confine his Fayth to only Scripture, and condemne all doctrine contrary or beſides Scripture, and oppoſe himſelf againſt all, or at leaſt ſome Roman doctrines, accounting them errours; and then what can hinder him (according to the foreſaid ground) from being accounted a ſubſtantiall Proteſtant.

Some may (perhaps) ſay, that indeed this may ſhew all theſe to be Proteſtants, yet this will not ſerue to make an Induction ſufficient to ſhew a viſible Proteſtant Church in all ages, in regard they want viſible lawfully-ſent Paſtours, neither do they agree in vnity of doctrine, nor haue a ſufficient meanes to preſerue men in, or reduce men to vnity & certainty of Fayth, eſpecally in all points, to take away this ſtumbling blocke.

D. Featlyes 5. Ground examined.

5. *D. Featly* will not tye himſelf to ſhew a conſpicuous Church, in which is an apparant Hierarchy of Paſtours, as knowing that Proteſtant Paſtours are not aſſignable in all ages, as Roman Catholique Paſtours are: But he would haue it ſuffice, that the Church be ſhewed viſible in any degree, and rather by names Appellatiues then proper, without any diſtinction of Paſtours from people, and that euery ſmall number in ſome ages of obſcure and latent true belieuers, may ſerue, eſpecially in Antichriſts dayes, whom he ſuppoſeth to be already come. For eſtabliſhing of which ground, firſt he affirmeth, that the militant Church is

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not alwayes equally visible, which to be true no man doubteth. 2. He sayth that the Malignāt Church is oft times more visible, conspicuous, and ample then the true Church, & consequently eminent visibility, amplitude, and splendour is no certaine Note of the true Church.

But in this he must giue me leaue to vse some distinction; for if by Malignant Church he vnderstand the multitude of Pagans, Iewes, Turkes, Heretiques, and wicked men, compared with those who be right belieuers and vertuous liuers; there is no doubt but in this respect the true Church being taken strictly either for the elect only, or only for vertuous professours of the true Fayth, is not so ample and conspicuous, but may be called *Pusillus Grex*, a litle flock; and at some times neere the end of the world there shalbe a great scarcity of such right belieuers and vertuous liuers; But in this sense, we do not now vnderstand the Church, nor do compare it with the Malignant Church in the forsaid sense, for we speak of the Church as it doth extend it self to all Professours of the true vnchanged Fayth of Christ (whether they be elect or not, of vertuous lyfe or not,) who are vnited in profession of Fayth, Communion of Sacraments, and subordination vnto lawfull Pastours; Nor do we compare it with Pagans, Iewes, or Turks, or other absolute Infidels, or with Heretiques, or Schismatiques of all sorts iointly, but with Heretiques or Schismatiques of whatsoeuer seuerall Sect, but say, that being thus considered and compared, it is more visible and ample then any Hereticall or schismaticall Sects which consist of branches cut off that great vine, *Quæ crescendo vbique diffusa est*, as S. *Austen* speaketh, and are partes diuided from the whole body of the Cath. Church, which is therefore called Catho-

Luc. 12. 32.

Luc. 18. 8. *Matth.* 24. 12.

Aug. l. de Pastoribus.

ligion, because although his first birth was little, yet it grew, and was, [illegible], spread in some sort, euen in the Apostles dayes, and much more in succession of tymes ouer the whole world, and is to continue in all Nations, of which see S. Austen lib. de vnitate Ecclesiæ, who sheweth that this Church is more conspicuous and ample, then any Heresy, in regard it is found one and the same in whatsoeuer places and times wherein such Heresies are, which commonly are only in some particuler Countryes, as it were in corners of the world, & in some particuler ages, but are not found in all places and times, in which the same vnchanged Catholique Church is found.

Aug. l. de vnitate Ecclesiæ c. 2.

So as although multitude alone, or visibility alone be no sufficient marke of the true Church; yet taking the Church for all professours of vnchanged Fayth (as *D. Feathy* granteth it is taken in this question) and comparing it both in place and tyme with the professours of whatsoeuer particuler Heresie or Schisme, ancient or present, it is found more conspicuous and ample then any of them, euen Arrian Heretiques and Grecian Schismatiques not excepted. And therfore as *S. Austen* hauing proued this Marke out of Scriptures to agree to the true Church of Christ, did by it conuince that the Donatists could not be, and that the Church spread ouer the world, which then communicated as now it doth with the Church and Pope of Rome, was the onely true Church of Christ: So may I, by the same Mark, conuince euery iudicious and pioufly disposed man, That Protestants of whatsoeuer one Sect, who sprung vp of late, and are only in few Countryes of one and the same sect, cannot be the true Church; and that the Church which hath ben, and yet is one and the same in all places and ages, and which is visibly spread

Assert 5.

Augustin. l. de vnitate Ecclesiæ.

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ouer the world, and vnited with the Church of Rome, is the onely true Church of Christ.

Perhaps some will say, that *S. Austin* did proue well against the Donatists, who held the Church confined as it were to Africa, not only *de facto*, but also *de iure*, so as none besides them who liued in that Countrey, had any right to be members of the Church: But Protestants although *de facto* they hold themselues to be the purest members of the Church, yet they do not exclude others (although holding different not only rites but also doctrines, so long as the points be not maine and fundamentall) from being mẽbers of the same Church.

I answere, 1. That although some difference may be assigned betwixt Donatists and Protestants, as also may be betwixt English Parlamentary Protestants, & other seuerall sects of *Liuadamits, Petrobrusians, Dulcinists, Becharits, Berengarians, Albigenses, Waldenses, Wicleffits, Lollards, Huffits, Lutherans, French Hugenots &c.* Yet I do not see, what fundamẽtall or mayne points of Fayth were denied by Donatists, at least at their first separation, more then is by some, or all these other Sects. For the chiefe Error of the *Donatists*, against which *S. Austin* in the book *de vnitate Ecclesiæ* doth dispute, is, That they did separate themselues for the supposed faults of others for which they accounted the visible Catholique Church spread ouer the world, not to be the true Church; not denying (for ought I know) that Christs Church had ben, or ought *de iure* to be spread ouer the world, but that *de facto* through faults of men it was perished, and only remayned in men of their Sect; which Errour is cõmon to them, and either all or most of these foresaid Sects challenged by *D. Fealy* to be Protestants in doctrine; for why else did these forenamed Sects separate themselues from the Communion

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of the vniuerſall precedent, or then preſent viſible Catholique Church ſpred ouer the world, making a new Congregation of their owne, if they did not deeme it *de facto*, through faults of men corrupted, and not to be the true Christian Church? Nay, why did ſome of them expreſly terme it an Antichriſtian Church, and the chief viſible head of it the Pope, Antichriſt? *Quæ conuentio Chriſti ad Belial?* How could they hauing this opinion of it, iudge it to be the true Church of Chriſt, more then Donatiſts did?

2. Cor. 6. 15.

The foreſaid Argument therefore which *S. Auſtin* made againſt Donatiſts, muſt needs be of force againſt all ſuch Rigid Proteſtants, as alſo whatſoeuer ſect of Heretiques, who held the vniuerſall viſible Church, through faults of men to haue ben ſo corrupted, as that it ceaſed to be the true viſible Church. And although it do not ſeeme to cõclude ſo directly againſt other more moderate Proteſtants who are content to account, that the Romã Catholique Church did not erre in fundamentall points, and conſequently did, & doth remaine ſtill the true Church, although corrupted with ſome errours; yet indirectly it preſſeth theſe men alſo, the-wing, that ſith there is one, and but one vniuerſall viſible Church, ſpread ouer the world, if the Roman Church and the reſt which ioyne with it, be ſtill the true Church, Proteſtants could haue no neceſſary and iuſt cauſe to ſeparate from it, nor can they be the true Church, which is but one, ſo long as they remaine ſeparate from the Communion of it.

So as, whether Proteſtants hold the Rom. Church to erre fundamentally or no, *S. Auſtens* Argument in his book *de vnitate Eccleſiæ*, muſt needs be as forcible againſt them, as it was againſt the *Donatiſts*; for there were alſo, euen then, ſo moderate *Donatiſts*, as that they thought

thought it no hindrance of ſaluation, whether one were of the Roman Communion, or of the parte of *Donatus*, ſo long as both ſerued one God and Chriſt: But *S. Auſten* would not endure they ſhould ſo thinke, but ſhewed that it was needfull that, *in vnitate colatur vnus Deus*, God being one, muſt be worſhiped in vnity, and not in ſchiſme and ſeparation. And ſo to the lukewarme Ambidexters of our dayes, who thinke ſaluation may be had by men of diuers Fayths, ſo long as they erre not fundamentally, I may ſay: *In vnitate fidei coli debet vnus Deus*: ſith there is but one God & one Fayth, (and as *S. Leo* ſayth, *Niſi vna ſit fides, none ſt*: vnles it be one, it is no Fayth) one God muſt be worſhipped in the vnity of Fayth, and not in any ſect or Hereſie; which is one of the workes of the fleſh, of which *S. Paul* abſolutely pronounceth, *Qui talia agunt &c.* Thoſe which do ſuch things, ſhall not attaine the kingdome of God.

Auguſt. epi 48.

Leo ſer. de Natiu.

Gal, 5. 21.

For although in the materiall obiect of Fayth the diſtinction of points fundamentall and not fundamentall, may haue ſome good vſe in other reſpects, to wit, eyther to ſhew that ſome poynts of Fayth are more neceſſary to be expreſly knowne, or to ſhew that beſides thoſe points of the reuealed doctrine which are generally belieued or defined by full authority of the Paſtours of the Church, there are other neyther generally belieued nor defined; in which latter, being not yet diligently digeſted, nor confirmed by full authority of the Church, as *S. Auſten* ſpeaketh, in which an erring Diſputer is to be tolerated, to wit, ſo long as he doth with humility and charity, without pryde or obſtinacie, or ſeparation of himſelf from Church-vnity, peaceably hould his opinion, and doth *implicitè* belieue all the reuealed truth, and ſubmitteth his Iudgment to

Note when the diſtinction of points Fundamentall & not Fundamentall may be vſefull, when not.

Aug. ſer. 14. de verbis Apoſtoli c. 11.

the authority of the Church, being ready to beliue as he ſhall vnderſtand it belieueth, or ſhall by full auctority define to be neceſſary to be belieued, or to be a matter of Fayth: In theſe reſpects I ſay, the diſtinction of points fundamentall, and not fundamentall in the material obiect of Fayth, may haue good vſe. And ſome points may be called fundamentall, & ſome not fundamentall, and ſome may be ſaid to be the foundation, or to pertaine to the foundation of the Church; ſome Superſtructions builded vpon the foundation; ſome may be called *Regula fidei*; other *Quæſtiuncula diuinæ legis*; ſome ſuch as the moſt learned and beſt defenders of the Catholique Fayth may diſſent in (*ſalua fidei Compage*); others, ſuch as cannot be denied or doubtfully diſputed of, without diſſoluing the iuncture of Fayth, and ſhaking the foundation of the Apoſtolicall doctrine, and of the Church it ſelfe, and poyſoning the bowels and ſurprizing the very vitalls of Chriſts myſticall body; Yet in reſpect of Sects & Hereſies (which *S. Paul* reckoneth among the workes of the fleſh, and of which he pronounceth vniuerſally without diſtinction, that thoſe who do ſuch things ſhall not attaine the kingdome of God) this diſtinction hath no vſe.

Gal. 5. 20. 21.

For whatſoeuer the materiall obiect be, fundamentall or not fundamentall, great or litle, yea the leaſt word or ſyllable of diuine truth, ſo it be knowne to be generally belieued, or authoritatiuely defined by the Church to be diuine Fayth; it is a damnable ſinne to hould Hereſie or Errour againſt it. For, ſuch an Hereſy or Errour, although only doubtfully diſputed, or raſhly affirmed, and much more if it be proudly and obſtinatly defended againſt the knowne Fayth and authoritatiue definition of the Church, is oppoſit both to the formall obiect of diuine Fayth, to wit, diuine reuela-

The reaſon why the leaſt Hereſy is a damnable ſinne.

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tion, and to the authority of ordinary Paſtours, by which as by a neceſſary condition appointed of God, the reuealed truth and diuine reuelation is applyed, & propoſed, and made knowne vnto vs, and ſo it doth in effect giue the lye to God and his Truth, and to his authorized officers the Paſtors of the Church, of whom he hath ſaid: *He that heareth you, heareth me, he that deſpiſeth you deſpiſeth me*, and reſiſteth authority of Prelats and Superiours, and in them Gods ordination, and ſo by *S. Pauls* cenſure deſerueth damnation. *Luc. 10. 16.* *Rom. 13. 2.*

Hence it is, that the ancient Fathers did not examine whether the materiall obiect, in which Hereſie or Error was obſtinatly held againſt the knowne Fayth or definition of the Church, were fundamentall or not fundamentall, maine or of ſmall moment, great or litle, expreſly and cleerly ſet downe in Scripture or not; but although it were but in one word, or ſyllable oppoſite to any point generally belieued or authoritatiuely defined by the Church, they condemned and anathematized it, and caſt the defendours of it out of the vnitie of the Church, and pronounced that whoſoeuer held it (to wit aduiſedly, and eſpecially ſo obſtinatly as to make by it a ſect, or ſchiſme, or diuiſion, or (as by a drop of poyſon) infection in the ſimple Fayth of the Church) could not while he ſo continued, be in ſtate of ſaluation: and that although he gaue his body to burne for Chriſt, yet he could not therby be ſaued; neither were that burning (as many Ignorants imagine,) *Corona martyrij*, the crowne of Martyrdome, *ſed pœna perfidiæ*, but the iuſt puniſhment of infidelity. *Cyprian. de vnitate Eccleſiæ c. 14.*

Hence alſo we may ſee the reaſon why *S. Auſten* in his Booke of Hereſies (hauing reckoned vp many Errours, ſome of which are about very ſmall matters,) pronoũceth, that whoſoeuer holdeth any one of them, *Aug. de Hæreſ. in fine.*

or any other Hereſy (without any diſtinction of points fundamentall, or not fundamentall) he cannot be a Catholique Chriſtian, nor (as the ſame *S. Auſten* otherwhere, or another of the Fathers ſayth) can he haue God his Father, who hath not the Church his mother; or (as I add) who will not ſubmit his opinion to the Church as a good child ought to do, eſpecially hauing heard Chriſt his Father threaten, *If he will not heare the Church, let him be to thee as an heathen and Publican*; as if he ſhould ſay, let him not be accounted a child of the Church, nor conſequently of God.

Matth. 18 17.

The reaſon of difference betweene the diuerſity of opinions betwixt Catholiques one the one ſyde, and the diuerſity of doctrines of Heretiques againſt the Church and betwixt themſelues.

Laſtly, Hence we may gather a cleere reaſon of the differẽce betwixt the diſagreements about ſome poynts of doctrine, which was of old among ſome of the Orthodoxe Fathers, and is now among the learnedeſt and beſt defenders of the Cath. Fayth on the one ſide; and the knowne confeſſed diſſenſion in doctrine betwixt moderne Proteſtants, againſt both ancient Fathers and vpſtart Heretiques of former ages, yea betwixt Engliſh Proteſtants, and thoſe Proteſtants of other Countryes whether *Lutherans* or *Caluiniſts*, on the other ſide; for the former were not about any doctrines generally belieued, or authoritatiuely defined by the Church, and conſequently, could not be damnable Hereſies, but at moſt errours excuſable by reaſõ of their *implicite* Fayth, and humble readines to ſubmit all to the Iudgment of the Church, and charitable care in the meane tyme to keep peace and vnity, without ſchiſme or ſeparation from Church-Communion: But the latter are about doctrines which are knowne to haue ben generally belieued; or authoritatiuely defined by the Church, and therefore they are damnable Hereſies, and the profeſſours of thoſe ſeuerall ſects are accounted Heretiques, not only by the cenſure of the ancient Fathers

thers, and of the preſent Roman Church, but alſo by one another.

As for example, *Luther* doth ſeriouſly cenſure the *Zuinglian* Sacramentaries to be Heretiques, ſo as they cannot for their agreements in other points be accounted to make one and the ſame Church, eyther with ancient Fathers or with one another, in regard, as one ill Herbe doth ſpoyle a whole pot of pottage, and as to break one commandement is ſufficient to make one looſe Charity which is the end of all commaundements, and in ſome ſort to be guilty of the breach of all the reſt of the Commaundements: So one Hereſie in any one poynt is ſufficient to deſtroy, or take away all true diuine Fayth about all other points. Nay *S. Nazianzen* is ſo far from excuſing any that holdeth ſome Hereſy by his agreement in all matters of more moment, that he ſayth there is nothing more perillous then thoſe Heretiques, who running vprightly in all the reſt, with one word, as with a drop of poyſon, do infect the ſimple Fayth of our Lord. But hauing alread y againſt W. C. diſputed more at large, to ſhew, that obſtinate Errour in any litle point of Fayth deſtroyeth all Fayth, I need not now ſay any more, to ſhew, that the *Berengarians*, *Waldenſes*, *Wicleſiſts*, *Huſsits*, and other condemned Heretiques (with whom our moderne Proteſtants would gladly be linked in fundamentall points) cannot make one, and the ſame Church, although it ſhould be grauhted, that they did not ſo groſly erre in ſome points, as ſome write they did. And although they concurred in far more points with Proteſtants of this age then can be proued, it ſeemeth that *D. Featly* ſuſpected that much of this which hath bin already ſaid, would be obiected againſt him, and that therefore he had need of ſome other grounds

Luther. aduer. Art. Louan. Theſ. 27.

1. Tim. 1. 5. Iacob. 2. 10.

Nazianzen: erat. de moderat. in diſput.

to help him out, in caſe he be notable to name many, or any in euery age, whom he can proue and defend to haue ben Proteſtants. And therfore,

D. Featlyes 6. Ground examined.

6. Sixtly, he would haue it belieued, that paucity of true belieuers, and obſcurity and latencie of the true Church, proteſting againſt the corruption and idolatry in later ages thereof, is moſt cleerly foretould in Scripture: As it, forſooth, the true viſible Church which (as himſelf granteth) according to *S. Auſten*, is foretould by Scripture moſt cleerly to conſiſt of a viſible multitude of right belieuers in all ages and nations, could by the ſame Scriptures be cleerly foretould to be reduced to a *Paucity, obſcurity*, & *latency* of right belieuers, I know not whom, *proteſting*, I know not where, *againſt*, I know not what, *Corruption and Idolatry, comming in*, I know not how long agoe, *in the latter ages of the Church*, which I know not when they wilbe. Certainly, if any ſuch cleere prophecie had been, it is lyke the Donatiſts would haue eſpied it, and made vſe of it, rather then as they did of that obſcure place in the Canticles, *Indica mihi vbi paſcis, vbi cubas in meridie*. Neither would it haue hindered, that this was prophecied onely for the latter ages of the Church; for they might, & doubtles would haue imagined, that their ages (in which they thought that all the reſt beſides themſelues fell into Corruption and Idolatry, at leaſt by communicating with ſome, which as they thought were fallen) had ben one of the latter ages of the Church, in which the Sonne of man (being ſhortly after to come, as *S. Gregory* thought he would haue come neere his dayes) there were to be a falling away of many, and Fayth ſcarce to be found &c. as now. *D. Featly* imagineth to haue happened diuers hundred yeares paſt, although for any thing he knoweth, the comming of Chriſt may be diuers hundreds

Aſſert. 4.

Cant. 1. 6.

Greg. Homil. 2. in Euangel.

dreds of yeares yet to come, neere vnto which tyme thoſe prophecies which he mentioneth, are to be fulfilled in a far different ſort then he interpreteth, as doubtles they ſhall, if ancient Fathers expoſitions may (as reaſon is) be preferred before *D. Featlyes* fancies.

For whereas he will needs imagine the prophecies which are about Antichriſt to agree to the Pope, or rather ſucceſſion of all thoſe Popes which haue been in many hunreds of yeares paſt, at leaſt from the yeare of our Lord 1000. in which he thinketh the Deuill being before bound, was let looſe, interpreting the 1000. yeares mentioned *Apoc.* 20. to be vnderſtood literally and preciſely for ſo many yeares after the birth of chriſt, although the text doth not tell, that the 1000. yeares are to begin from the birth of Chriſt, but after I know not how many other things be done, which in the former Chapters are ſignified; and although the ancient Fathers will tell vs, that in Scripture the number 1000. is not alwayes taken for that preciſe number, but ſometymes for leſſe tyme, & ſometymes for more, (as may be ſeene by *S. Greg. lib. 9. Moral. c.* 2.) Yet he that is ſo preciſe in his interpretation of the 1000. yeares, can ſo enlarge the litle ſeaſon which the holy Text limiteth for the deuils remayning looſe, and the tyme of the reigne of Antichriſt, which the Ancient Fathers out of plaine words of the text do ſay to be only three yeares and a halfe, that he will allow it, to ſignifie ſo many hundreds of yeares, as he imagineth the Pope to haue ben Antichriſt. Wherby it doth euidently appeare, that he doth not tye himſelf, either to the words of the text, or to the interpretation of the ancient Fathers; according to which the prophecy of Antichriſt cannot be thought yet fulfilled, (and much leſſe can it be fulfilled in the Pope,) but according to

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the custome of Hereticques, stretcheth out or restraineth the wordes of the text as may best suite with his owne preconceipts, perswading himself, and making simple people believe that he followeth the Scriptures themselues, when indeed he followeth his owne, & other mens erroneous phantasies, coloured with the wordes, but destitute of the sense of the holy Scriptures: in which sort the deuill himself did not want his *Scriptum est*, to oppose against Christ, and therefore no meruayle if his Ministers do not want their *Scriptum est*, to oppose against Christs true Church.

But let vs imagine (yet alwayes remembring it is an imagination) that all *D. Featlyes* dreames of prophecy fulfilled in the Pope and Papists, had ben truthes, and that Papists could not so much as feigne such like prophecies to be fulfilled in Protestants; why doth *D. Featly* tell vs of such a paucity, and obscurity, and latency of the true Church to haue bene foretould in those latter ages in which Antichrist was to persecute the Church? Could such a great and vniuersall persecution of true Christians (as is foretold wilbe in the true Antichrists dayes) haue bene in any of these bypast Popes dayes, and yet none but a few, obscure, latent right believers be then extant in the world? Or could such few, obscure, latent right believers protest against the corruption and idolatry of Antichrist, and yet remaine obscure and latent, both from the corrupted people and Idolators of that age, and from being mentioned in histories written by some friends or enemies of the same or other succeeding ages? or durst men write historyes of other matters lesse needfull to be knowne, and as much or more displeasing to Popes of those dayes, namely of some personal priuate faults of the Popes themselues, and durst they not for the honour

Matth. 24. 21.

nour of God and truth, make so much as any obscure mention of Idolatrous doctrines publiquely taught or preached by Popes, contrary to the former Faith of the Church (if any such had been,) or of protestations (against such supposed corruptions & Idolatries) made by such, and such few obscure and latent beleuers? It seemeth that these their supposed protestations were as obscure & latent as the supposed beleuers themselues, that is, either no such were at all, or were so obscure & latent as no men knew them, nor consequently did, or could write of them; And therefore it is meruayle, how *D. Featly* hath notice of them, vnles by reuelation, or rather by a dreame.

If he say, that God hath had many true seruants & worshippers of him in secret, whose names cannot be produced: I answere, that we do not require, that the Names of all Gods seruants be produced, but some of the most eminent, as doubtles some alwaies were knowne eminently in euery age, and (as euen *D. Featly* confesseth) may be found in historyes yet extant; and so by historyes we can shew, that euen then, when *Elias* complained that he was left alone, there were in Israel some, whose names eyther proper, or appellatiue may be giuen, and euident proofe brought that they were true worshipers of God. As for example, *Abdias* & those hundred Prophets which he hid; and in Iuda, and at *Hierusalem* there was at the same tyme a publique visible profession of true Religion. And although it be true, that some ages be more barren of good writers then others, yet Gods prouidence and humane diligẽce hath not ben deficient in making and preseruing Records, sufficient to shew some in all ages, who were, & are certainely knowne to haue bene gods seruants. As on the other side, some or other are knowne by the

3. *Reg.* 18. 4.
2. *Paralip.* 19.

same Records yet extant, who were one way or other their opposits and therin the Deuils instruments; neither could Hell-gates, that is, the deuill and all his instruments, euer so preuaile against Christ, and his Church, by burning Records, or corrupting them, or keeping them from view, or by any other meanes, as to make the Church of Christ either cease to be, or not to be as a citty built vpon a Hill, which cannot be hid, or not alwayes visible.

Matth. 16, 18.

Luc. 1. 33.

Mat. 5. 14.

Let not therefore *D. Featly* with his obscure, falsly applyed, & not yet fulfilled Propheſies of the Church in the dayes of Antichriſt, deceiue his Reader, or diuert him from the preſent queſtion of the perpetuall viſibility of the true Church; but acknowledging (as he doth) that there be cleere and truely applied propheſies and promiſes which foretell the Church her perpetual viſibility and vnchanged Fayth in all ages and Natiõs, and that there are yet extant Hiſtoryes teſtifying the anſwerable fulfulling of thoſe propheſies and promiſes. Let him ſet aſide all his foreſaid Tergiuerſations and ſhifts, and all his newly deuiſed grounds ſet downe in his treatiſe of the Viſible Church, in the diſtinctions & aſſertions, ſo far forth as by this my Refutation he may ſee them to be impertinent and inſufficient; and let him fairely and honeſtly without further delaye, performe his promiſed induction of Names of ſuch in all ages, as he thinketh to haue bene viſible Proteſtants, & out of hyſtories of the ſame, or neere adioyning ages, in which ech man he nameth liued, let him particulerly ſhew, that they ſaid, or did, or ſuffered ſome thing, wherby it may cleerly appeare that they were Proteſtants, that is to ſay, differed in ſome points from the Roman Fayth, which Proteſtants, hold to be contrary to Scriptures, and that they did explicitely, or implici-

Aſſert. 4.

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tely hold all the 39. Articles of the English Protestant Church, without contradicting and condemning any one of them. Which while he doth not, the world may iustly suspect, or rather certainely know, that, *The Protestant Church hath not ben alwayes visible, as the Cath. Roman Church is showed by Guitterius, in his Tabula Chronographica, and others, to haue ben;* & that therefore, *The Roman Church is, and the Protestant Church is not, that One, Holy, Catholique, Apostolique, alwaies Visible, Vnchanged, and Infallible Church, fore-propheſied and fore-promiſed in Scripture, of which all may, and ought to learne Fayth neceſsarie to Saluation.*

THE XI. CHAPTER.

About D. Vshers Sermon, preached before his Maiesty. 20 of Iune. 1624.

ALTHOVGH I might let this Sermõ paſſe as hauing already giuen ſufficiẽt grounds to make any iudicious perſõ ſee, that it hath not ſufficiẽtly anſwered the Ieſuits queſtion: Yet in regard I vnderſtand, that ſome make much account of *D. Vsher*, and thinke this his Sermon to containe a better Anſwer, then is found in other mens writings; I haue thought it not amiſſe to examine what he ſayth, ſo far forth as concerneth this Queſtion.

First, I find that he doth not name Men in all ages, who holding as Proteſtants do, contrary to the Rom.

Church, did not contradict and condemne any of the 39. Articles of the preſent Engliſh Proteſtant Church which doth excommunicate all who deny any part of the ſaid Articles: And therefore he cannot be ſaid to haue ſhewed ſuch a cõtinually viſible Proteſt. Church, as is requiſite to ſatisfie *M. Fisher* the Ieſuits queſtion.

Secondly I find, that he graunteth, that the Roman Church is the Temple of God, and that Rom. Catholiques may be ſaued, ſuppoſing they be not ignorant of the Articles of the creed &c. Which I deſire to be noted as being a free Confeſſion made in a publique Sermon by an Aduerſary ſo eminent, who would not haue ſhewed ſo much fauour to Roman Catholiques, as to grant them hope of ſaluation, if truth it ſelf did not inforce him to it.

Thirdly I find, that with this foreſaid true confeſſion he hath mixed diuers falſhoods worthy of ſpeciall obſeruation. The firſt falſhood which I think fit here to note, is, that he requireth no more Fayth to be neceſſary to the conſtitution of the Catholique Church of Chriſt, then is exacted to be profeſſed at the Baptiſme of euery particuler Chriſtian, or at moſt, then is expreſſed in the *Nicen*, *Conſtantinopolitan*, or *Roman* Creed. This to be falſe appeareth, 1. by *S. Athanaſius* his Creed where it is ſaid, Whoſoeuer wilbe ſaued it is neceſſary that he hold the Catholique Fayth; which vnles euery one hold whole (*id eſt* entire) and inuiolate (*id eſt*, in the right ſenſe) without doubt he ſhall periſh for euer. But more pertaineth to Cath. Fayth and the right ſenſe of it, then is exacted to be profeſſed at Baptiſme, or is expreſſed in the *Nicen*, *Conſtantinopolitan*, or *Roman* Creed. *Ergo*.

2. Beſides the inſtruction giuen at Baptiſme (which is the firſt entrance into the Church) there be many things

things both ſpeculatiue and practicall which are needfull to be learned, to the intent that eth man may do his duty according to that eſtate and office which he hath in the Church: In which (ſuppoſing commodity of Inſtructours) ignorance cannot excuſe, but as S. Paul ſayth, *qui ignorat ignorabitur*; he that (through his owne negligence) doth not know his duty, ſhall not be knowne, or approued by Almighty God. 1. Cor. 14. 38.

3. The whole Canon of the holy Scripture is in ſome ſort (eſpecially according to the doctrine of Proteſtants) neceſſary to be in the Church; and at leaſt ſuch as be Doctors and Paſtors, and eſpecially Biſhops (who muſt alwayes be in the Church) had need to vnderſtand ſo much of the right ſenſe of them, as they may exhort in holſome doctrine, & reproue thoſe who contradict the truth, that ſo they may preſerue themſelues and their hearers in the right Fayth, and reduce others fro errors againſt Fayth. Therfore more knowledge of the true Fayth is neceſſary, for the conſtitution of Chriſts Church, then is exacted to be profeſſed at Baptiſme, or is expreſſed in the *Nicen, Conſtantinopolitan* or *Roman* Creed. Eph. 4. 11, 12. Act. 20. 28. Tit. 1. 9.

The 2. falſhood is, that he holdeth no more to be properly Catholique Fayth, beſide that firſt foundation which is exacted to be profeſſed at baptiſme, or which is expreſſed in the Roman Creed.

This to be falſe apparcth, for that to make a doctrine of Fayth Catholique, it is not neceſſary, that it haue ben expreſly belieued by al Chriſtian mē, or of al Chriſtian (eſpecially Heretical) Churches in the world, in all places and tymes; for then, the whole foundation it ſelf expreſſed in the Rom. and Conſtant. Creed ſhould not be properly Catholique rayth: for euen *D. Vsher* himſelf granteth, that ſome part hereof was belieued by Sermon pag. 28. & 29.

some Catholiques onely implicitely, and it is certaine that some Articles of it are not believed in the right sense by some, especially Heretiques. But to make a doctrine of Fayth Catholique, it sufficeth that all Catholique Christian Churches, and men in all tymes & places did believe it explicitely or implicitely, in which sort the whole reuealed Truth contayned in Scriptures and vnwritten diuine Traditions, duely propounded for such by full authority of the Catholique Church, or the Pastors thereof, do pertayne to Cath. Fayth so properly, that whosoeuer denyeth any the least point of the sayd reuealed truth with pertinacy (that is, after he know it to haue been duely propounded for diuine truth by the Cath. Church or the Pastours thereof) he is properly an Heretique, and the doctrine is properly Heresy, as is insinuated by *S. Austen* when he sayth: *Qui in Ecclesia morbidum aliquid sapit, si correptus (id est, ab Ecclesia vel eius Pastoribus) vt sanum sapiat, contumaciter resistit, fit Hæreticus, & foras exiens inter inimicos numeratur*; He who being once in the Church holdeth some vnsound opinion, if being admonished (to wit, by the Church or her Pastours) to hold sound doctrine, doth contumaciously resist, is made an Heretique, and going out of the Church becometh an enemy. Therfore not onely the first foundation professed at Baptisme, or expressed in the Roman Creed, but all reuealed Truth duely propounded by the Pastours of the Church, doth properly belong to the Catholique Fayth; for all of it is implicitely believed by all Catholique Churches, & Catholique men, women, and children of all ages and countryes, in that they believe in God the Father Almighty, and in Christ Iesus his Sonne, true God and man our Sauiour; and in the Holy Ghost, 3. Persons & one God; who in, and by one Holy Catholique and

Aug. contra Manichæos citatur in C. Qui in Eccle. sia 24. q. 3. & sumitur ex Epistola 162.

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Apoſtolique Church teacheth all truth pertayning to Chriſtian Religion, for in theſe Articles rightly belieued and vnderſtood, all other reuealed Verities which euer haue bene, or ſhalbe duely propounded by full authority of the Catholique Church & her Paſtours, are implicitely contained, and virtually belieued.

The 3. falſhood is, that he accounteth no more to be neceſſary to the vnity of Fayth, which *S. Paul* requireth when he ſaith; One Lord, One Fayth, one Baptiſme, but that all agree in ſome ſort in belieuing and profeſſing thoſe common truths which are exacted to be profeſſed at baptiſme, or are expreſſed in the Roman Creed. This to be falſe may appeare, in that *S. Paul* doth not limit the vnity of Fayth onely to thoſe common Truths, but ſimply requireth Vnity of diuine Fayth (which extendeth it ſelf to all reuealed Truth,) and exhorteth, or rather exacteth that all faythfull men be of one mind, ſenſe, and ſentence, at leaſt in matters of Fayth, which requireth that not onely all the ſame entire reuealed truths be belieued *explicitè* or *implicitè* by ech Chriſtian, which are belieued by the reſt (ſo as no diuiſions and ſects be among them about any matter of Fayth,) but alſo as *Irenæus* explicateth, that all the ſayd truths be belieued by all the Church in one like manner, as if it had but one heart, which cannot be, vnles ech man *explicitè* or *implicitè* belieue ech particuler truth in one and the ſame right ſenſe, and for one & the ſame right formall reaſon of diuine reuelation, infallibly propounded and applyed to his vnderſtanding, by the conſonant voyce of lawfully-ſent Paſtours and preachers of the true Church, who by ſucceſſion from the Apoſtles and Chriſt himſelf receiued, & neuer loſt authority and Commiſſion, to teach the firſt deliuered truth.

Eph. 4. 5.

Iren. l. 1. c. 3.

Hence

Hence followeth, that not onely such maine errours which in *D. Vshers* sense ouerthrow, or endanger the foundation, but absolutly all errours contrary to reuealed truth obstinately maintained after knowledge of the Church her common rayth, or definition of her Pastors, are cōtrary to the vnity of soule-sauing rayth, and are damnable Heresies; in regard whosoeuer do hold them, in effect giue the lye to God and his Church, and consequently so much as is on their part, take away all infallible authority of God speaking in, and by his Church; which being taken away, or denyed, or deliberatly doubted of in any one point, all diuine infallible rayth is destroyed, as Phauc already proued against W. C. Hence further followeth, that although one should beleeue no Errour but the whole entiere truth in the same right sense in which all other good Christians do, yet not for the same diuine supernaturall reason of diuine reuelation sufficiently applyed to him by lawfully-sent Pastors and preachers, but for some other reason naturall or humane; such a man cannot be said to haue vnity of rayth with other Christians, nor indeed any diuine rayth, but onely an humane knowledge, or belief of those truths, which is not sufficient to saluation.

The reason why ech Heresy is damnable.

The fourth falshood is, that he maketh all Christian Churches, to wit, the Roman, the Reformed, the Græcian, the Ægyptian, the Æthiopian, and all others (though most mainely disagreeing in some articles, & in the sense of others, and in the formall reason for which any of them are beleeued) to make one and the same Cathol. Church. This to be false, appeareth by that which is already sayd, for these haue not among them that entiere, inuiolate, one, and the same Catholique rayth which is necessary to the Constitution of

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one and the ſame Catholique Church. For all the ſayd Churches (except the Roman, and ſuch as agree in fayth with her) do hould ſome or other Errors, contrary to the firſt receiued Chriſtian fayth. And in thoſe Articles in which they ſeeme to agree they do not hold one, and the ſame ſenſe which other Churches hold, neyther do they belieue any one Article preciſely, for one and the ſame formall reaſon of diuine reuelation, ſufficiently propoſed by lawfully-ſent Paſtours which ſome of theſe Churches neuer had, and thoſe which once had, loſt by falling into notorious Hereſy, or ſchiſme and ſeparation from that Catholique body of vnited Chriſtians, which once was, & yet is ſpred ouer the whole world, while theſe diuided partes remaine confined to certayne Countryes, or corners of the world.

The fifth falſhood is, that he excuſeth all the aforeſaid Churches who hould errours againſt the reuealed truth by ignorance (ſuppoſing the Ignorance be not of the foundation) as if whatſoeuer kind of Ignorance of the error in points not fundamentall were ſufficient to excuſe. This to be falſe appeareth, for that euery errour againſt whatſoeuer part of the reuealed truth propoſed ſufficiently by the Paſtours of the true Church, is damnable ſinne, as hath ben already proued; and not euery kind of Ignorance, but onely inuincible Ignorance excuſeth from ſinne; which Inuincible Ignorance although ſome particuler men may haue had, yet all the foreſaid Churches cannot be preſumed to haue, in regard they haue had notice of the Roman religion, being moſt ancient and conſtant, and therby haue had iuſt cauſe to doubt their owne not to haue bene ſo ancient and conſtant.

The ſixth falſhood is, that he diſtinguiſheth the

Papacy from the Roman Church, (as the Apoſtle doth diſtinguiſh Antichriſt from the Temple of God wherin he ſitteth) affirming the Papacy, or the Pope & his Prieſts to teach Errours, wrenching the foundation, which the people through Ignorance do not know, nor belieue.

This to be falſe appeareth, for the Pope, Prieſts, and people make but one, and the ſame Roman Church, and therefore cannot be ſo diſtinguiſhed as Antichriſt is from the Temple of God: neither can people without Prieſts be properly called the Roman Church; for *S. Cyprian* defineth the Church, *Plebs ſacerdoti adunata, Grex Paſtori adhærens*: people vnited to their Prieſt, a flock cleauing to their Paſtour. Neither doth the Pope and his Prieſts teach any point of Fayth, which the people, yea euery one of the Cath. people doth not *explicitè* or *implicitè* belieue. Neither is there any one point of Fayth taught by the Pope and his Prieſts which is contrary to, but ſtandeth well with the foundation, as all learned Catholiques know, and the vnlearned belieue; neither can *D. Vsher*, or any Proteſtant euer proue, that eyther Tranſubſtantiatiõ, or any other point of Roman doctrine doth either deſtroy, or ouerthrow, or wrench, or weaken the leaſt Article of the Creed which he calleth the foundation, or any other part of the entiere reuealed truth, propoſed by the Church; all which being the truth of Chriſt (the onely foundation) may worthily be ſaid to be a part of the foundation: and thoſe onely doctrines which priuate men build vpon this foundation by their owne priuate ſtudy or diſcourſe of wit, are properly to be called ſuperſtructures; which if they be like gold, ſiluer, and pretious ſtones, that is, ſolid, and of good value, the builder ſhall receiue his reward; If they be ſtuble &c.

Cyprian Epiſt. 69.

2. Cor. 3. 11. 12.

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light and of ſmall worth, the builder ſhall ſuffer loſſe, yet ſhalbe ſaued as by fire. But if the doctrine be contrary to any part of the ſayd reuealed truth, it is ſo far from being a building vpon the foundation of Chriſt ſpeaking in, and by his Catholique Church, as that it ouerthroweth the foundation ſo much as in him lieth, and endeauoreth to lay another foundation, to wit, the Idoll of this, or that mans phantaſie, coloured ouer with the words, and ſeeming (but not true ſenſe) of Scriptures, which is the proper and common damnable crime of all Heretiques, of whom S. *Auſten* ſayth wel: *Omnes hæretici qui in auctoritate recipiunt ſcripturas, ipſas ſibi videntur ſectari, cùm ſuos ſectentur errores*: All Heretiques who receiue the auctority of Scriptures, do ſeeme to themſelues to follow the Scriptures, when (leauing the true ſenſe of Scriptures, which is the ſenſe of Chriſt and his Church, or of Chriſt ſpeaking in, & by his Church) they follow their owne erroneous phantaſies: the reaſon whereof is, becauſe they haue not ſo much humility as to ſubmit, and conforme their conceipts and Iudgments to the words and ſenſe of Chriſt, declared by the lawfully-ſent Paſtours of the Church, of whom he ſayth: He that heareth you, heareth me; but through pride, high eſteeme, and vayne complacence of their owne witts and Iudgments, and contempt of the authority of the Paſtours of the Church, they conuert all the words and myſteries which they find in holy Scriptures vnto their owne phantaſticall Imaginations, & make them (as fooles do bells) ſound in their eares and mindes conformable to their owne erroneous preconceipts.

Aug. Epiſt. 222.

Luc. 10. 16.

Aug. l. 3. *de bapt. cont. Donat. c.* 12.

Sith therefore D. *Vsher*, and other learned Proteſtants do graunt, that the Romã Church doth hold the foundation, and build vpon it, either as we ſay gold, ſiluer, & pretious

pretious ſtones, i. ſolid and worthy both ſpeculatiue & practicall doctrines; or at worſt, as Proteſtants ſay, wood, hay, and ſtuble, i. vnneceſſary or vnprofitable, but not damnable ſpeculations and obſeruations; and doth not (as all Heretiques ordinarily do) endeauour to lay a new foundation, to wit the Idoll of any priuate mans phantaſies or nouel opinions, contrary to the former Fayth of the Church, but teacheth that ech priuate man (yea the Pope as a priuate man) ought to ſubmit and conforme his priuate conceipts or Iudgments to the wordes and ſenſe of Chriſt ſpeaking in, and by the generall Conſent of lawfull Paſtours, and definitions of generall Councels, which if any ſhould neglect to do, (although it were the Pope himſelf) and ſhould proudly oppoſe and prefer his priuate opinion before the words and ſenſe of Chriſt made knowne by vnanime conſent of Paſtours, or definition of ſome one or other lawfully confirmed generall Councels, he is (either *ipſo facto*, or by the authority of the Church may, and muſt be) depoſed from all Eccleſiaſticall dignity, and excommunicated, and caſt out of the Communion of the Cath. Church.

Sith I ſay this is ſo, I meruaile what reaſon *D. Vsher*, or any other Proteſtants can haue to thinke, or call the Pope Antichriſt, or to compare the power of the Pope ouer the Church, to Antichriſts ſitting in the Temple of God, or to hold Rome at this preſent to be that Babylon, out of which Gods people are commaunded to depart; or to be like a Peſt-houſe by reaſon of pretẽded peſtiferous errours, or additions of new doctrines contrary to the firſt receiued and generally belieued foundation of Fayth. For if this were ſo, how chaunce that the Authour of the ſuppoſed peſtiferous errours or additions is not particulerly named, or deſcribed in Hiſtory,

ſtory, nor the tyme when, and the place where ech Errour was firſt publiſhed, and the manner how it came to be ſpread (as Roman doctrines are) ouer the world; and what particuler Paſtours, or Doctours did firſt note, contradict, and condemne it, and the Author of it, as is ordinarily done when other pernicious Errours did but offer to creep into the Church? Or how could Gods people continue Gods people (eſpecially for ſo many hundred yeares, as Proteſtants imagine the Pope or rather the ſucceſſion of Popes to haue ben Antichriſt, and *Rome Babylon*) who did (contrary to the ſuppoſed commaundement of God, bidding them goe out of her) not onely liue in the ſayd Citty where the ſuppoſed Antichriſt did dwell and raigne, but alſo did linke themſelues to him in the profeſſion of the ſame Fayth, Communion of the ſame Sacraments, and obedience to his authority? If (as *D. Vsher* ſeemeth to ſay) Ignorance being a great bleſſing of God, did excuſe them from offending God, and from ceaſing to be gods people, why may not the like bleſſed Ignorance haue bene permitted to continue in this our age as wel as in former ages? Why did Luther, and his vnbleſſed Aſſociats endeauour to take away that bleſſing of God with bringing men out of their Ignorance into ſuch a pernicious knowledge, as might cauſe or giue occaſion to the ruine of ſo many ſoules? Why do they not yet allow men to adhere to the Roman Church (as they haue reaſon who cannot find any other Church ſo ancient and conſtant in profeſſion of Chriſtian religion,) but both by perſwaſion and perſecution ſeeke to draw them from it, who be as Ignorant of any Errour in Fayth to be profeſſed by it, as any of our anceſtours were, and are moſt firmely perſwaded, that it teacheth nothing but truth.

But the truth is, that the Pope is not Antichriſt ſitting in the Temple of God, neither is Rome that Babylon out of which gods people muſt depart, neither is the propheſy of Antichriſt his ſitting in the Temple of God ſo meant, that Gods people ſhall generally, eſpecially for ſo long a tyme, ſubmit themſelues vnto him, in regard it is certaine, that Gods people ſhalbe generally perſecuted by Antichriſt, by reaſon they do not ſubiect themſelues vnto him. And howſoeuer the commandement which biddeth Gods people goe out of Babylon, be vnderſtood to preſuppoſe gods people for ſome tyme to be in the ſame citty or place, where Antichriſt ſhall ſit and haue his throne, yet it is certaine that all Gods people (remayning Gods people) neuer ſhall, nor can linke themſelues with Antichriſt in the profeſſion of his Fayth, and Communion of his ſacraments, and obedience to his lawes; neither muſt they ſo goe out from any place or citty as to depart (as Proteſtants did) from, and proteſt againſt the vnity of the onely continually viſible Catholique Church, vnder whatſoeuer pretence of reformation of errours in Fayth (which cā neuer be needfull in regard Hell-gates ſhall neuer ſo preuaile, as to make the vniuerſall viſible Church erre in any point of Fayth) or reformation of mens manners, which may be better done by remayning in Church-vnity with them, then by making a ſchiſme or ſeparation from them.

Let Proteſtants therefore reflect vpon, and ponder this their conceipt of the Popes being Antichriſt, and themſelues being the people which by gods commaundement departed out of Babylon, when they proteſted againſt the Roman Church and Religion; whereas others their anceſtours being Gods people as well as they, did for ſo many hundred yeares liue and die in the

the ſaid Roman Church and Religion, and therein obtained (as *D. Vsher* granteth) ſaluation. Let Proteſtants I ſay, conſider how theſe two can ſtand togeather: That theſe our anceſtors were Gods people while they did (as they did in life and death) adhere to the Pope & his prieſts, and belieued and profeſſed *explicitè*, or *implicitè* the entire Fayth taught by the Pope and his prieſts, and participated ſacraments miniſtred by the Pope and his prieſts, and obeyed lawes made by the ſame Pope and his prieſts; And that Proteſtants alſo are Gods people while they firſt made, and yet continue ſuch a horrible ſchiſme and ſeparation from the whole Church which adhereth to the ſaid Pope and his prieſts, renouncing their Fayth, refuſing their ſacraments, reiecting their lawes, and perſecuting with loſſe of goods, liberty & life, ſuch as remaine vnited to the Pope and his prieſts: Certainely, if God be (as moſt certainely he is) altogether immutable, and ſtill one and the ſame, he cannot be pleaſed with people of ſo contrary conditions, with men ſo much halting on both ſides, and ſeruing two ſo oppoſite Maiſters, and profeſſing two ſo different Religions, 3. Reg. 18. 21. Matth. 6. 24.

Wherefore I conclude, that if our Anceſtors were gods people (as *D Vsher* granteth) then Proteſtants are not. Which ſentence I pronounce (not abſolutly of this, or that man in particuler but) of Proteſtants conſidered as ſuch, and liuing, and dying ſuch, without actual or virtual repentance, and according to the ordinary courſe of gods prouidence; for whether by inuincible Ignorance, and extraordinarie prouidence, God can ſaue ſome who in the ſight of men die out of the ordinary way of ſaluation, is another queſtion which I leaue to gods extraordinarie power & mercy; vpon which no man ought to preſume, but euery one ought

ought to take the ordinary and onely safe way of saluation, which is to adioyne himself to the onely continually visible Roman Catholique Church, in which our ancestors liuing and dying (euen by Confession of Aduersaryes) haue ben gods people and are saued, and out of which being the onely true Catholique Church (by the constant profession of all ancient and present Catholique Doctours) none are, or can, so liuing and dying, be saued.

THE XII. CHAPTER.

Containing a Confutation of the Pamphlet called, *The protestant Kalendar.*

ALTHOVGH I haue already in the precedent Chapters giuen sufficient grounds, by which euery Iudicious man may gather that this Kalendar doth neyther satisfy *M. Fishers* Question, nor sufficiently answere that argument, by which he, and other Catholiques proue Protestants not to be the true Church of Christ: *Videlicet.*

Matth. 28. Mar. 16. Rom. 10. Eph. 4. Heb. 11.

The true Church of Christ hath had in all ages Visible, and lawfully-sent Pastours teaching, and people belieuing that one, infallible, entiere Fayth, which Christ and his Apostles taught to be necessary to saluation.

But Protestants haue not had in all ages such Pastours, and people.

Therfore, Protestants are not the true Church of Christ.

Neuerthe-

Neuertheleſſe for that the Methode heerof maketh a faire ſhew, and may ſeeme in the eyes of the ſimple to anſwere directly to the Argument and Queſtion aforeſaid; I haue thought it not amiſſe to examine what it ſayth, and to ſhew briefly & plainely that it neither ſatisfyeth the Queſtion, nor anſwereth the Argument.

Firſt I perceiue the Authour of this Kalendar would gladly if he durſt deny, or doubt of the *Maior* Propoſition of the Argument. For thus he ſayth: *Concerning their* Tenet *of the perpetuall Viſibility of the Church, in ſuch ſenſe as they take it, how infirme it is, I referre the Reader to the learned Treatiſes of the moſt Reuerend & Iudicious Deuines of our Church, who haue purpoſely written of this Argument.* And he citeth in the margent, *The Lord Archb. of Cant. Treatiſe,* Of perpetual Viſibility; *D. Feild,* Of the Church; *D. Whyte,* in the Way to the Church. Pag. 4.

But it ſeemeth this Kalendar-maker himſelf durſt not ſtand peremptorily vpon this deniall, as hauing ſeene how weakely theſe his Reuerend and Iudicious Deuines haue oppugned, and how ſtrongly others both Catholiques and Proteſtants (*) haue proued perpetual Viſibility of the Church in the ſenſe of Catholiques, briefly ſet downe in the maior Propoſition of the argument, and more largely explicated in the 7. Chapter of this Booke, vnto which I referre the Reader, who ſhall deſire more full ſatisfactiõ in this point. And I wil returne to the Kalendar, whoſe Authour not daring to ſtand vpon this propoſition ſayth thus: *I rather bend my ſelf to refute the* Minor *propoſition wherein they deny, that we of the Proteſtant Church can ſhew any ſuch ſucceſſion, or Viſibility of our Church and religion in former times, and that ſo much the rather, becauſe* Gregory *of* Valentia *peremptorily maintaineth, that this is a point that puzzelleth vs extreemely, and that we are not able to ſhew any company of* Pag. 4.

(*) *D. Featly of the viſibility of the Church. Aſſert. 4.*

people which in times paſt was knowne in the world to hold that forme of doctrine and religion which we haue brought in. By which words we may ſee what the drift of the whole Kalendar is, and that he meaneth to bend all his battery againſt this our Minor Propoſition, without medling at all with the Maior, the truth of which he ſeemeth to admit, when he ſayth thus:

Pag. 1. & 2. It cannot be denyed (which *Tertullian* doth auerre) that the antiquity of Religion doth much ſerue to teſtify the verity thereof, and the longer line it hath had of continuance, the more it claimes our obſeruance, and tyes vs to obedience. The Heathen *Heſiode* could ſay νόμος ἀρχαῖος ἄριστος, The old law is beſt: and the beſt, & moſt deuine of all the philoſophers Plato, οἱ παλαιοὶ χρείττονες καὶ ἐγγυτέρω τῶν θεῶν οἰκοῦντες: The ancients are beſt, as comming neereſt vnto God: and it is a rule among the Lawyers, *Qui prior eſt tempore, potior eſt iure:* He that is firſt in time is chieſeſt in right. Hence it is that *Bildad* aduiſeth *Iob.* 8. 8. 9. Inquire I pray thee of the former ages, prepare thee for the ſearch of their Fathers, for we are but of yeſterday, and know nothing, becauſe our dayes vpon earth are but a ſhadow: Shall not they teach thee & tell thee? And *Ierem.* 6. 16. Thus ſayth the Lord: Stand yee in the wayes, and aske for the old path, where is the good way, and walke therein, and yee ſhall find reſt to your ſoules. And in the *Song of Moyſes Deut.* 32. 7. Remember the dayes of old, conſider the yeares of many generations: aske thy Father and he ſhall ſhew thee, thine Elders and they will tel thee.

All which words (being the Kalendars) I haue thought fit to recite, that it may be ſeene that the Kalendar-maker doth agree with vs in holding, that Chriſtian religion to be trueſt which is moſt ancient &

of

of longest continuance, and which by many generations can shew (as it were) the pedegree of the professours thereof from Sonne to Father, still vpwards to Christ the vndoubted visible authour of the true Christian Fayth and Church.

So as now it remaineth (according to the intent of *M. Fishers Question*) that the Issue be tryed whether professours of Protestancy can (as Professours of Roman Catholique Fayth (*) can) name and proue out of good authours, a most ancient and continuall succession of their Pastours teaching, and people believing in all ages one and the same vnchãged entire Fayth which Christ and his Apostles taught and deliuered to the Church from generation to generation by Visible lawfully-sent Pastours. For this is the point, which as *Valentia* sayth, hitherto hath extreemely puzzeled Protestants: and this is the point which *M. Fisher*, and *M. Sweet* hauing proposed to *D. White*, and *D. Featly* almost two yeares agoe, neither then, nor after was by them, or any other, nor euer wilbe well answered. Yet sith this Kalendar promiseth a more Methodicall Answere then hitherto hath bene giuen, I will briefly examine, and passe my Censure vpon it, after I haue reduced to the Readers memory, what answere *M. Fishers* Question requireth.

(*) *See Gualterus his Tabula Chronographica.*

It is therefore to be obserued, that *M. Fishers* Question requireth Names of men to be shewed in all Ages (out of good Authours) who can be proued and defended *to be members of the Protestant Church*; that is to say, men teaching and believing doctrine of Fayth, different from some part of the Fayth of the Catholique Roman Church, and agreeing in all the 39. Articles which the English Protestant Church doth account so necessarie to be held by euery good Protestant, as that it doth excommuni-

Booke of ca-nons can. 5.

communicate *ipso facto* euery one, who shall hold any part of them to be erroneous, superstitious, or such as he cannot with a good cõscience subscribe vnto. Now this being obserued, it wilbe most easy to see, that this Kalendar doth not giue a good answere to *M. Fishers* Question.

First, for that these which be named, are men most different in Fayth and religion, one from another, and not any one of them can be well proued and defended to haue agreed with the present English Church in the 39. Articles aforesaid, & consequently they cannot be accounted to be of one and the same Church with it, but rather to be excommunicated by it.

Rom. 10. Eph. 4. Aug. l. de vtil. cred. c. 17. Iren. l. 4. c. 4. Tertullian lib. de præscript.

Secondly, in many of the ages there is not any one named who can be proued and defended to haue bene a lawfully-sent Pastour, or to haue had immediately, or mediately lawfull Ordination, and Iurisdiction, mission, and commission to teach Gods Word, and minister Sacraments, at least in that sense and manner which is prescribed in the aforesaid 39. Articles, which defect is so essential that this onely is sufficient to shew Protestants not to be the true Church of Christ (described in Scriptures, and Fathers) which must so necessarily haue in it, in all ages, lawfully-sent Pastours, as that the onely want of them (euen by confession of learned (*) Protestants) maketh a nullity of the Church.

(*) Willet synopsis pag. 69. & 71. Whitaker. cont. Duræũ l. 1. pag. 249. Lobechius in Disputat. Theolog. pag. 213. sect. 44.

Thirdly, Some of these which be nameth held some or other so grosse errours, as that learned Protestants (*) being ashamed to heare them accounted members of the Protestant Church, haue expressely disclaimed from them, saying, *they are none of ours*. Likewyse, some of these which he here nameth held expresly doctrine contrary to the chiefe Articles of Protestancy, and namely to the Article of *Iustification by onely Fayth*, which

(*) Iewell defence of the Apology pa. 43. Osiander centur. 3. pag. 329.

is

is reputed to be the most substantiall point, and as it were the very soule of the Protestant Fayth & Church. If therefore (according to the Iudgement of Scriptures and ancient Fathers) there must be so great vnity of Fayth in the church, as if the whole multitude had but one hart and one soule wherewith they belieue, and one mouth with which they preach, and that the least disunity (by Errour of Fayth obstinately mainteined) infecteth and destroyeth Fayth and casteth the maintainers out of the Church; it cannot possibly be, that men so different in Fayth (especially in so chiefe and substantial matters) can be of one and the same Protestant Fayth & Church, vnles the Protestāt Fayth and Church do (as *S. Leo* testifyeth old Heathenish Rome did) esteeme her self very religious in that she refused not to imbrace in her bosome all false opinions of whatsoeuer sect or religion.

Act. 4. 32. Rom. 15. 6. Iren. l. 2. c. 3. Leo. ser. 6. de Natiu. Domini, Hieron. in cap. 3. Sophon. Nazianzen. orat. de Pace. Magnam sibi videbat assumpsisse religionem, dum nullam respueret falsitatem. *Leo. ser. 2. in Natiu. Apostol. Petri & Pauli.*

Fourthly, There are many named in this Kalendar for Protestants (without any reason, or authour, onely for hauing had some opposition (though in matters of fact) against the Pope, or for reprouing some vices obserued in the Pope) who are otherwayes knowne to haue professed themselues Roman Catholiques, and to haue held the Roman Catholique Fayth, and to haue detested all opposite doctrines vntil their dying day.

Fifthly, All, or most of the ancient Orthodoxe Fathers are named for Protestants, and yet they all held Communion with the Pope, and did acknowledge his Primacy and vniuersall Authority (as appeareth by the writings of the chief of them yet extant) to be grounded in the Holy Gospel it self; and besydes (euen by confession of learned Protestants) some of them (both in this point and in some others) held expressely contrary to the doctrine of Protestants cōtained in the 39.

Articles, and haue censured some of the points contained in these articles with the infamous note of anciently condemned Heresy, as may be seene in *S. Epiphanius*, and *S. Augustine* their Catalogues of Heresies.

Lastly, This Kalendar nameth Christ and his Apostles for Protestants, but neither doth, nor can proue it; for among all those Texts which he hath quoted, there is not one which plainely proueth any one point of Protestant doctrine, or disproueth any one point of the Catholique Roman Fayth, as shall be shewed whensoeuer need shalbe, or when any one shalbe in particuler insisted vpon and vrged. In the meane time, if any man shall desire to see a more large and particuler confutation of this Kalendar, let him read the *Three Conuersions of England*, and the *Examen of Fox his Kalender*, *the Protestants Apology*, and other Catholique Authours, in which he shall see particulerly exemplifyed many of those things, which here for breuity sake, I haue onely in generall termes barely mentioned.

The end of the first Part.

A REPLY TO D. VVHITE, *and Doctour Featly.*

THE SECOND PART.

In which is ſhewed, that the Cath. Roman Church can Name, Proue, and Defend Viſible Profeſſours of her Fayth, in all Ages.

AND THAT,

She only, and ſuch as agree in Fayth with her, is the True, Viſible, Catholique Church, out of which there is no Saluation.

Your Fayth is renowned in the whole World. Rom. 1. 8.

Permiſſu Superiorum, M. DC. XXV.

THE FIRST CHAPTER.

In which is shewed, that the Roman Church hath had Visible Professours, whose Names may be shewed in all Ages.

IN the precedent Chapters I haue shewed, that none of the aforesaid Protestant writers haue answered, nor can answer *M. Fishers* question, requiring Names of Visible Protestants in all ages to be set downe, with such prooses out of good Authours as may make it appeare that the Protest. Church hath ben so visibly spread ouer the world, as the Scriptures and Orthodox Fathers (euen by the Confession of learned Protestants themselues) do describe the true Church of Christ, of which all are to learne that one, Infallible, diuine Fayth which the same Scriptures and Fathers do signifie to be necessary for all who desire to please God and to attaine saluation. I haue also giuen groundes by which in lyke manner may be shewed, That no other sort of Christians differing in doctrine from the Roman Church, can name, proue, & defend visible Professours of their peculiar Fayth, to haue ben visibly spread ouer the world, in such sort as Christs

D. Featly of the visibility of the Church. Assert. 4.
Rom. 10. 14, 15.
Eph. 4. 11, 12.
Heb. 11. 6.

Church ought to be in all ages.

Whence I may conclude, that the Roman Church onely, and ſuch as agree with it in doctrine of Fayh, is the true viſible Church of Chriſt, of which all people may, and ought to learne Fayth neceſſary to ſaluation; for ſith it is certaine that there hath bene according to the Prophecies of Scripture, a true Church of Chriſt which hath had viſible Profeſſours ſpread ouer the world in all ages, and no other hath been; it muſt needes follow, that the Roman is this ſame Church whoſe Profeſſours Names are in all ages mentioned in hyſtories.

Now, although this may ſuffice to proue the Roman Catholique Church to be the onely true Church of Chriſt, of which all are to learne Fayth neceſſary to ſaluation; yet if any one deſire more full ſatisfaction, & wiſh to ſee Names of Roman Catholiques in all ages proued, & defended out of good Authours, let him read *Gualterus his Tabula Chronographica*, or *Coxius his Theſaurus*, or S. N. *his Appendix to the Antidote*, or *M. Fishers Reply* to *M. Wotton* and *M. White*.

Secondly, let him conſider, that Proteſtants neyther haue, nor can out of good Authours confute the Catalogues which theſe our Authours make, nor confront them with the like Catalogue of Proteſtants.

Thirdly, let him remember that Proteſtants confeſſe, that the Romaine Church hath had viſible Profeſſours in all Ages, and that it hauing in the Apoſtles dayes receiued the true Fayth, did not alter it for the firſt 600. yeares. And although ſome Proteſtãts affirme, that Rome altered Religion after the firſt 600. yeares, yet they cannot proue this by naming the Authour of the Alteration, neyther can they ſhew out of good Records, that any Pope, or other, brought in any one

point

point of doctrine which was noted, contradicted, and condemned by vnanime consent of Pastours, eyther of the precedent or the then present Church, as we can Name the first Authours of diuers Nouelties and Heresies brought in by Protestants, which at the first publication were noted, contradicted, and at last condemned by the ordinary Pastours for Errours, contrarie to Scriptures and the common Fayth of the Church.

Fourthly, let him obserue, that whereas the chief points which Protestants do account Errours in the Protest. Church, are Transubstantiation, and Sacrifice of the Masse, Honour and Inuocation of Saints, Veneration of Images, & Sacred Reliques, Free will, & possibility of obseruing Gods Comaunndements, Merit of workes, vnlawfulnes of mariage in Priests and Religious, fasting and abstinence, Sacrament of pennãce & priestly Absolution, Purgatory and prayer for the dead, Primacie of S. Peter and his successors, Authority of the Church, and her Traditions. The aforesaid *Gualterus*, and other our Catholique Authours, do out of Scriptures, Fathers, and Councels proue, all these not to be Errours or nouell inuentions, but to haue ben expressed in Scriptures and Fathers, or virtually contayned in principles of the formerly receiued common Fayth of the ancient Church.

Lastly, If all this will not perswade him that Christ and his Apostles, *S. Ignatius*, and the rest of the Orthodox Fathers Doctors and Pastours set downe by *Gualterus* and others, can be proued and defended to be of the same Fayth and Religion which the present Roman Church professeth, let him ponder, and weigh the force of this Argument.

All such are Roman Catholiques, and not Protestants in doctrine, who do *explicitè*, or *implicitè* hold the

authority of S. Peter, and the Popes his succeſſors in ſuch ſort, as Roman Catholiques hold at this day.

But Chriſt and his Apoſtles, *Ignatius*, and all the Orthodox Fathers of all both the firſt, 2. 3. and all other ages, did *explicitè* or *implicitè* hold the authority of S. Peter and the Popes his ſucceſſours, in ſuch ſort as Roman Catholiques hold it at this day.

Ergo, Chriſt and his Apoſtles, *Ignatius*, and all the Orthodox Fathers are Roman Catholiques.

The Maior I proue: becauſe the chiefe thing which makes the Roman Catholiques diſtinguiſhed from all other ſorts of Chriſtians, is, that all, and onely they, hold the authority of S. Peter and the Pope, eyther alone or with a generall Councell, to be ſupreme vnder Chriſt, and infallible in defining Controuerſies of Fayth, and in declaring what is to be belieued by Fayth, and in this reſpect they are called Papiſts, who in holding this, virtually hold all, and do not condemne any other point of the Roman Fayth, ſo long as they do firmely hold this

The Minor I proue thus:

If the words which Chriſt ſayd, and the Euangeliſts wrote in the Goſpell, do ſignify (according to the explication of many of the graueſt and moſt learned Orthodoxe writers, without any contradiction of others,) that to *S. Peter* and his Succeſſours was giuen the ſayd ſupreme and infallible authority; then, doubtles, Chriſt and his Apoſtles, *Ignatius*, and all other Orthodox Fathers did *explicitè* or *implicitè* hold the authority of S. Peter and the Popes his ſucceſſors, in ſuch ſort as Roman Catholiques do at this day hold; neither can it be ſaid, that they did condemne any other point of Roman Fayth, ſith all other points are virtually contained in this one point.

But

But ſo it is, that the words which Chriſt and the Euangeliſts wrot in the Goſpell do ſignifie (according to the explication of many of the graueſt and moſt learned Orthodox writers, without contradiction of others) that to S. Peter and his Succeſſors was giuen the ſaid ſupreme and infallible authority. *Ergo.*

If the ſequele of this laſt Maior be doubted, I aske what other rule can be aſſigned, by which the true ſignification of Chriſts words and conſequently the effect may be certainely knowne vnto vs?

This laſt *Minor* is ſhewed at large by our Catholique Authors, *Gualterus* in his *Tabulæ Chronographicæ, verit.* 11. *in ſingulis Centurijs, Coxius Tom.* 1. *Theſauri*, and others.

Some may perhaps obiect that although Chriſt, his apoſtles, and the orthodox Fathers held this authority in ſuch ſort as the preſent Romã Church doth, yet how ſhal we know that they did not hold contrary to the Roman Church in ſome other points of her Fayth? I anſwere, that euery point of Rom. Fayth is ſo conneꝛted which the aforeſaid ſupreme and infallible authority of S. Peter and his ſucceſſours, in defining matters of Fayth, either alone or with the reſt of the Paſtours ſpread abroad in the world, or gathered together in a general Councell, as that whatſoeuer point of reuealed truth is duely propoſed by that authority, it is to be accounted a point of Catholique Rom. Fayth; and whatſoeuer point (although in it ſelf a reuealed truth) is not actually or virtually propoſed duely to vs by that authority, it is not to be accounted a point of Fayth: So that whoſoeuer holdeth that authority, in ſuch ſort as it is held by the preſent Rom. Church (as Chriſt our Sauiour, the Apoſtles, and all orthodox Fathers held it) cannot be ſaid to condemne any point of Fayth which

the present Rom. Church holdeth, but at least *implicitè* holdeth all, in holding this authority.

Now to defend Christ and his Apostles, *Ignatius*, and all Orthodox Fathers to be Rom. Catholiques and not Protestants, is a most easie matter, if one obserue these few Rules.

The first is, That one may be a Rom. Catholique, although he do not expresly set downe in writing euery point of Rom. Fayth. By this rule we may see, how weakely those argue who say; Christ & his Apostles, and the Fathers of the first 300. yeares, do not expresse in their writings this, or that point which is defined in the Councell of *Trent*: *Ergo*, they are no Rom. Catholiques. The which Consequence being grounded on Negatiue authority, is of no force, vnles it be first proued, that euery Rom. Catholique hath expresly set downe in writing all points of his Fayth, or held no more inwardly in hart, then he expressed in outward words or writing, which cannot be proued.

D. Iames his catalogue set downe by D. Featly is answered.

The second Rule is, That one may be a Roman Catholique, although something said or written by him, seeme to contradict some point of Roman Fayth; for words may seeme to haue another sense then was intended by the speaker or writer. Therefore they argue weakely, who (out of sentences of Fathers and Scriptures, which onely seeme to contradict some point of Roman doctrine,) conclude that Christ or his Apostles, or those Fathers were no Rom. Catholiques; and much more weakely, or rather wickedly, do some Protestants alledge S. Hierome, or any other of the Fathers to proue the Pope Antichrist, or Rome Christian Catholique, to be Babylon spoken of in the Apocalyps.

The third Rule is, That one may be a Rom. Catholique

lique, although he be proued to haue held some opiniõ contrary to that which is truth, and which is the Fayth of the Rom. Church; so long as the matter was not knowne to him to be contrary to truth, or to the generall Fayth, or definition of the Church. By this Rule some ancient Fathers, namely *S. Cyprian*, and some later writers, did not cease to be Rom. Catholiques, by holding some opinions contrary to the truth, and contrary to that which the Rom. Church now generally holdeth, or hath defined to be a point of Fayth; so long as the matter was not knowne to them to be contrary to truth, nor contrary to the common Fayth of the Rom. Church. Those therefore argue weakely, who out of some opinions found in Orthodox Authours, contrary to some point defined in the Councell of Trent, endeauour to proue those Authours to be no Rom. Catholiques; for this Consequence is not good, vnles withall it be proued, that the matter was in those Authors dayes defined, or generally held as a point of Fayth by the Church, and knowne to these Authours to haue ben so defined or held, at such tyme as they held those erronious opinions. Out of which Rules I conclude, That sith Christ our Sauiour, his Apostles, *S. Ignatius*, and the rest of the Orthodox Fathers cannot be proued to haue held any opinion which themselues did know to be contrary to truth, or contrary to the generall Fayth, or definition of the Church, they cannot be proued to be no Rom. Catholiques, or to haue had a Fayth different from the Fayth of the Catholique Roman Church.

THE

THE II. CHAPTER.

In which is shewed, that out of the Catholique Roman Church there is no Saluation.

I MIGHT briefly proue the Intent of this Chapter by this short Syllogisme:

Out of the Catholique Church there is no saluation.

But, onely the Roman, & such as liue in vnity thereof, is the Catholique Church.

Ergo.

The *Maior* is a principle not to be denied, or if it be, it may be easily proued.

Isa. 60, 9. The *Minor* I proue:

The Catholique Church, out of which is no saluation, is that continually visible Church, of which Isaias prophecieth saying: *Thy gates shalbe opened continually*, day and night they shal not be shut, that the strength of » Nations may be brought vnto thee and their kings, » for the Nation and kingdome which shall not serue » thee, shall perish.

But as appeareth in the precedent Chapters of this my Reply, onely the Rom. Church, and those which liue in vnity with her, hath ben this continually visible Church, of which the Prophet speaketh.

Therefore the Rom. Church, & such as liue in vnity with her, is the Cath. Church, out of which is no saluation.

Secondly, I may vrge all wise Protestants with this morall

moral Argument. In that Church only is ſaluation to be hoped for by wiſe men, in which all, not onely friends, but alſo the beſt learned Aduerſaries grant ſaluation may be had; for in matters of ſo great moment as is eternall ſaluation, wiſe men ought to place their hope onely in the ſecureſt way, and not aduenture vpon the vncertainty of their owne, or other priuate and partiall mens opinions.

But it is farre more ſecure to liue and dye in the Rom. Church, in which (as appeareth by a Booke, called *The Grand-Iury*) both all friends, and the beſt learned Proteſtants her Aduerſaryes graunt ſaluation may be had,) then to liue, and die in the Proteſtant Church, in which none but partially affected men, to wit Proteſtants themſelues, doe promiſe ſaluation.

Ergo, all wiſe men ought to place hope of ſaluation, only in liuing and dying in the Rom. Cath. Church.

But becauſe theſe prooſes are but ſhort, and will not perhaps perſwade euery man to belieue ſo ſharp and ſeuere a ſentence, to wit: That out of the vnity of the Rom. Church there is no ſaluation; I haue thought good to adioyne vnto theſe ſhort prooſes, this enſuing larger diſcourſe.

A Diſcourſe, in which is ſhewed, by Reaſons drawne out of Scriptures and Fathers, That out of the Vnity of the Roman Cath. Church, there is no ſaluation.

ALTHOVGH it be moſt certaine, that we haue a moſt merciſull Lord and God, who as *S. Paul* ſayth, *would haue all men to be ſaued, and to come to the knowledge.* 1. Tim. 2. 4.

2. Pet. 3. 9. ledge of truth, and as S. Peter ſayth, *would haue none to perish*: yet he will not ſaue vs, except our ſelues freely concurre with his grace, according to that of S. Auſten, *Qui fecit te ſine te, non ſaluabit te ſine te.* The reaſon whereof is, for that as it pertaineth to the ſweeteneſſe of Gods prouidence to concurre with euery creature according to the nature of it, and to bring it to the naturall end by proportionable naturall meanes; ſo it belongeth to the ſame ſweetnes of Prouidence, that he doe not force or neceſſitate man being a free creature, but bring him freely to his ſupernaturall end of eternall ſaluation, by free vſe of ſome or other proportionable ſupernaturall meanes.

Aug. ſerm. 25.

That man may freely cooperate to his ſaluation, it is needfull that he know his ſupernaturall end, & meanes that lead therũto.

2. To bring man freely to his ſupernaturall end, by the free vſe of ſupernaturall meanes, it is neceſſarily required that men ſhould haue ſome or other knowledge of the ſaid end, and meanes. The reaſon whereof is, becauſe *nihil volitum, quod non eſt præcognitum*, nothing can be freely intended as an end, or choſen as a fit meanes which is not in ſome ſort knowne: and ſith no naturall knowledge of man is either proportionable, and fit or ſufficient to moue the will to ſupernaturall deſires and endeauours requiſite to the attayning of mans ſupernaturall end by ſupernaturall meanes, it is neceſſary that he haue ſupernaturall, at leaſt obſcure, knowledg of the ſaid end and meanes.

3. This ſupernaturall, euen obſcure, knowledge of mans ſupernaturall end, and ſupernaturall meanes leading therevnto, cannot be had by any man vnles God do (either immediatly or mediatly) reueale to him to what end he hath ſupernaturally ordayned him, & by what ſupernaturall freely vſed meanes he may attaine this end. The reaſon hereof is, becauſe none can know the ſecret counſells of God, beſides the ſpirit of God, &

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ſuch to whom it pleaſeth him to reueale them. But to know to what ſupernaturall end man is ordayned, and by what ſupernaturall meanes it may be attayned, is a ſecret counſell of God. 1. Cor. 2. 10.

4. Beſides this reuelation of Gods part, it it neceſſary that a man of his part doe giue ſupernaturall and infallible aſſent to this reuelation, and to the truth of the thing reuealed; ſo as at leaſt in an obſcure manner he may heereby haue in his ſoule ſome ſupernaturall, firme, and infallible knowledg, proportionable to the Reuelation, and the truth reuealed, and ſufficient to moue the will firmely to intend this ſupernaturall end and effectually to vſe the meanes. The reaſon of this is, for that if a man doe not giue any aſſent, no knowledge is bred in man by the Reuelation. And if the aſſent he giueth be only probable, it is not proportionable to the Reuelation which is infallible: neither is it ſufficient to moue the will to intend the ſupernaturall end ſo firmely, as is requiſit to ouercome ſo many difficulties, and to vndergoe the labours and paines which are requiſite, to chooſe prudently, & to execute diligently and conſtantly ſuch things as are neceſſary for the attayning of the ſaid end, in regard we ſee that our ſlack will is ſlowly inough moued by infallible aſſent giuen to the diuine Reuelation, and therfore would be much more ſlow, if the Vnderſtanding did onely aſſent probably vnto it.

Beſides gods reuelation it is required that man yeld firme and infallible aſſent to the truth reuealed.

5. That a man may giue firme infallible ſupernaturall aſſent to the diuine Reuelation and the truth of the things reuealed, it is not enough, 1. That the thing Reuealed be moſt true in it ſelfe; or 2. That the Reuelation of that truth was once made, and is yet extant in ſome or other mans memory, or in ſome written or printed booke: But it is needfull that it be ſufficiently

That a man may yield firme and infallible aſſent to the reuealed Truth, it is needfull that the reuelation be ſufficiently applyed to him by ſome infallible meanes appointed by God.

propounded, and applyed in particuler to euerie man who is to giue infallible ſupernaturall aſſent vnto it, by ſome or other infallible ſupernaturall meanes, appointed by God, and this alſo ſuch as is in ſome ſort proportionable to the capacity of ech man who is to aſſent by meanes of it. The reaſon is, for the truth of the thing reuealed, and the reuelation being aboue reach of all reaſon, one that neuer heard, or by any other meanes vnderſtood any thing of the thing reuealed or the reuelation, could not aſſent at all; & if he only heard of it by a knowne lyar, or only by a probable ſpeaker, he could not giue infallible, but (at moſt) probable aſſent vnto it. Therefor that a man may giue ſupernaturall infallible aſſent to reuealed truth, it is neceſſary, that beſides the truth of the thing, and beſides the reuelation, both the one and the other be aplied to him in particuler by ſome or other ſupernaturall infallible meanes, proportionable to the reuelation, and to the truth reuealed, and to the perſon to whom it is in particuler applied, not only in the enlightning *ex parte Intellectus*, of the part of the vnderſtanding, which giueth him ability to vnderſtand it, but alſo *ex parte Obiecti*, of the part of the obiect, that it may be fit to be vnderſtood by that particuler man: like as it is not inough to ſee a Colour, that there be a true Colour, and perfect eyeſight, but that the Colour muſt alſo by a conuenient meanes and approximation, or a proportionable neareneſſe, be duly propoſed to this particuler mans eyeſight.

The Meanes which God hath appointed to apply the diuine reuelation is the teaching of lawfully-ſent Paſtours & Doctours

6. This infallible ſupernaturall meanes aforeſaid by which the thing reuealed, and the reuelation it ſelfe is duely propoſed, and applied in particuler to euery man who is to giue infallible aſſent vnto them, is according to the ordinary courſe (as appeareth by the holy Scriptures)

tures) no other but the teaching, not only of the prophets and Apoſtles, but alſo of the ſucceeding Paſtours and Doctours and Lawfully-ſent preachers of the true viſible Catholique Church, by which only (as appeareth by Hiſtories) all Nations haue hitherto beene conuerted, and being conuerted haue beene in all ages inſtructed, and taught ſo, as they belieued infallibly things reuealed, and the reuelation which without this teaching they neuer ſhould haue belieued, nor ſhould yet belieue infallibly although the things reuealed and the reuelation were, and yet are in themſelues moſt certaine and infallibly true. The which doubtles, moued *S. Auſten* to ſay, *Ego Euangelio* (not only *non credidiſſem*, but) *non crederem, niſi me authoritas Eccleſiæ commoueret.* I (not only had not belieued, but) could not ſhould not, or would not belieue the Goſpell it ſelf, if the authority of the Church did not moue me.

Rom. 10. 14. 15.
Eph. 4. 11, 12.
Aug. contra Ep. Fundamenti.
The Paſtours and Doctours appointed to propound and apply the diuine reuelation, are the Paſtours and Doctours of the Roman Church.

7. This Church, whoſe Paſtours are by Gods appointment to propoſe vnto all men the Reuelation & the things reuealed, is no other then the viſible Catholique Roman Church, that is to ſay, That viſible company of men ſpred ouer the whole worlde, who profeſſe the ſame Fayth, vſe the ſame Sacraments, and liue in obedience vnder viſible Paſtours, eſpecially the chiefe Paſtour of the Roman Church, who being S. Peters ſucceſſor, hath by Chriſts appointment chiefe power and authority next vnder Chriſt himſelfe ouer the whole Chriſtian world. This I proue by theſe Arguments.

Matth. 16. 18. 19.
Luc. 22. 32.
Ioan. 21. 17.
Iſa. 59. 21.
Iſa. 60. 11.
Matth. 28. 19. 20.
Luc. 10. 16.
Heb. 13. 17.
Rom. 10. 14. 15.
Eph. 4. 11. 12.

The firſt Argument.

If there was, is, and muſt be in all ages a viſible Church ſpread ouer the world, hauing in it viſible lawfully-ſent Paſtours & Doctours, who by Gods appointmẽt all muſt heare, belieue, obay, & with whome

all muſt be ioyned in vnity; and no other ſuch was beſides thoſe of the Catholique Roman Church. Then the Catholique Roman Church hath bene, & is ſpread ouer the world, & hath lawfull viſible Paſtours whom all muſt heare, belieue, and obey, and with whom all muſt be ioyned (actually) in Church-vnity.

But there was, is, and muſt be in all ages ſuch a viſible Church, hauing ſuch Paſtours &c. and no other ſuch different from the Catholique Roman Church was in all ages, as appeareth by hyſtories. *Ergo.*

(a) *Iſa. 59. v. 21. Iſa. 60. Iſa. 61 v. 9. Math. 5. v. 14. 15. 16. Math. 18. v. 17. Math. 23. v. 22. Math. 28. 19. 20. Luc. 10. v. 16. Rom. 10. v. 14. Eph. 4. v. 12. 13. 14. 1. Tim. 3. v. 16. S. Cyp. lib. 4. ep. 9. & lib. de vnitate Ecl. Baſil. conſtit. monaſt. c. 22. Iren. l. 4. cap. 43. Cyril. catech. 18. Aug. lib. 1. contra Creſcon. cap. 33. ep. 170. contra Fauſt. c. 13.*

The Conſequence of the *Maior* is cleere; for if one ſuch Church hath been, is, and muſt be in all ages, & no other hath bene beſide one, to wit the Catholique Roman Church; It followeth euidently that this one, and no other different from it, or not cõnected with it, was, and is ſuch a Church.

The *Minor* hath 2. parts; The firſt, to wit, That there was, is, and muſt be in all ages ſuch a viſible Church, hauing ſuch Paſtours &c. may be proued out of teſtimonies of (a) Scriptures and Fathers.

The 2. part (to wit, no other was different from the Catholique Roman Church) cannot be denied, or if any doe deny it, he muſt aſſigne another, naming the men in all ages out of good Authours, and prouing and defending them to haue belieued all articles of the true Fayth, and to haue duely vſed all the right Sacraments, and to haue liued in vnity, and to haue obayed lawfull Paſtours, as the true Church ought, which neuer was yet, nor euer can be aſſigned.

The ſecond Argument.

If the Roman Church was once a Church which had the priuiledge of hauing lawfully-ſent Paſtours & Doctours, whom all good Chriſtians were bound to heare, belieue, & obey, and communicate with; & did

neuer

neuer looſe that priuiledge, ſhe is ſtill ſuch a Church which hath that priuiledge. But the Roman Church was once ſuch a Church, neither did ſhe euer looſe that priuiledge. *Ergo.*

The Conſequence of this Maior is cleere; for whatſoeuer Church, once had ſuch a priuiledge, and neuer loſt it, muſt needs ſtill haue it

The Minor hath 2. parts, The firſt is, that the Roman Church once was ſuch &c. This appeareth by teſtimonies of (b) Scripture and Fathers, and is further confirmed by authority of his Maieſty, who ſaid, That the Roman Church is the mother Church from which we ought no further to depart, then ſhe hath departed from her ſelfe. *See Conference at Hampton-Court.*

(b) *Ro. 1. v. 8. Cypr. l. 1. ep. 3. Hieron. ep. 57. & Apol. 3. cap. 4. aduerſ. Ruffin. Alſo Apol. 1. c. 1. Iren. l. 3. c. 3. Aug. de vtil. cred. cap. 17. & ep. 165. & contra ep. Fund. cap. 4.*

The 2. part of the Minor is, that the Roman Church neuer loſt this her priuiledge. This I proue.

If the Roman Church euer loſt her priuiledg ſpoken of by Scripturs and Fathers, eyther this was by her falling into ſome euident damnable hereſy or ſchiſme, & ſeparation of her ſelfe from the Catholique viſible Church, or by lawfull ſentence of Excommunication or depriuation of her priuiledg pronounced by ſome Generall Coūcell, or ſome particuler lawfull Superior to the Roman Church.

But ſhe neuer loſt her priuiledge by any of theſe waies, or any other way that can be aſſigned. *Ergo.*

If any deny the Conſequence of this laſt Maior, it pertaineth to him to aſſigne ſome other way of looſing priuiledges. If any deny the laſt *Minor*, he is obliged to ſhew out of good hyſtories when, and by whome, and what euident damnable hereſy, or ſchiſme, or ſeparation from the viſible Catholique Church, was brought into the Roman Church, and what Lawfull Generall Councell, or particuler lawfull Superiour did excommunicate

municate her, or depriue her of her priuiledges for ſuch hereſy, ſchiſme, or ſome other iuſt cauſe. For if any ſuch notorious change had beene in Rome, deſeruing ſuch a ſentence, theſe circumſtances would haue bene, and being would haue bene noted by the reſt of the Chriſtian world, and record thereof, being of ſo great importance for diſcouerie of diuine truth and diſcerning which is the true Church, would partly by diuine prouidence, and partly by humane diligence haue bene preſerued in the true Church, as of ſuch like and leſſer matters records haue bene, and are yet preſerued; ſo as we may ſay, if ſuch a change of religion, and therby loſſe of priuiledge hath bene, hyſtories yet extant muſt needs make ſome, at leaſt obſcure, mention thereof: wherefore no mention being (as none is) it followeth that no ſuch change, or loſſe of priuiledge was.

8. Hence I conclude, that ſith 1. None can be ſaued according to the ordinary courſe beſides thoſe (I ſpake of ſuch as haue free vſe of reaſon) who freely concurre to their owne ſaluation; & 2. none can freely cõcurre who haue not ſupernaturall, at leaſt obſcure, knowledge or belief of mans ſupernaturall end, and ſuch ſupernaturall meanes as by the law of God are neceſſary to the attayning of it; and 3. none can haue this knowledge or belief, but ſuch as giue ſupernaturall infallible aſſent to truth reuealed by God; and 4. none can giue ſupernaturall infallible aſſent to thoſe reuealed truths but ſuch as heare, & beliue the teaching of the Paſtours, doctours & teachers of the true viſible catholique church; and 5. thoſe Paſtours are no other but thoſe of the Catholique Roman Church which in tymes paſt (as appeareth by hyſtories) hath conuerted Nations and inſtructed people, in all ages, in the Fayth of Chriſt: Hence (I ſay) I conclude, that none can attaine eternall

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ſaluation but ſuch as giue infallible aſſent to reuealed truth, by hearing belieuing & obaying the teaching of viſible Paſtours Doctours and lawfully-ſent preachers of the Catholique Roman Church, vnles it pleaſe God to vſe ſome extraordinary meanes; which no mā ought to preſume vpon, eſpecially when he knoweth or may know, and hath or may haue the foreſaid ordinary meanes; as no man ought to preſume to be preſerued in corporal health by lyfe extraordinary and miraculous meanes, when he hath, or may haue ordinary meanes.

9. Hence it followeth that no Pagan, no Turke, no Iew, no Heretique or Schiſmatique of whatſoeuer ſect or ſchiſme, if he ſo liue & dye in his Infidelity, or Hereſy, or ſchiſme can (according to the ordinary courſe) be ſaued: for although it may be that ſome of all theſe ſorts may through inuincible ignorance be excuſed from actuall ſinne of their Negatiue Infidelity, conſiſting in not hearing or belieuing the ordinary viſible Paſtours, and alſo of their Poſitiue imbracing this, or that particuler ſort of Infidelity, or hereſy, or ſchiſme, yet if they haue not infallible diuine Fayth, & therby ſufficient knowledge of their ſupernaturall end, and meanes leading to it, they cannot as they ought freely concurre to the attayning of it, nor conſequently can they attaine it. But infallible diuine Fayth they cannot haue otherwiſe (according to the ordinary courſe) then by hearing Paſtours, Doctours, and preachers lawfully-ſent, who are thoſe only of the Roman Church, & not any other who by ſome infidelity, or Hereſy, or ſchiſme either neuer had, or haue loſt their lawful Miſſion, and conſequently commiſſion, to teach infallible diuine reuealed truth neceſſary to ſaluation. *Eph.* 4. 11. 12. *Rom.* 10. 14. 15.

Moreouer, beſides ſupernaturall Fayth there is required that euery one haue ſupernaturall hope of attaining

ning the end aforeſaid, wherby his will being made ſtrong, may be encouraged to vſe all meanes neceſſary for attayning the ſaid end: for if, *qui arat, debet in ſpe arare,* a man would neuer take paines to plow the ground but with hope to reape fruit, who wilbe found willing to take ſo great paines, as are neceſſary to pleaſe God and to attayne ſaluation, if he haue not firme hope that this or that being done or endured, doth pleaſe God and helpe to ſaluation? Now, who (beſides the foreſaid Paſtours of the true Church) can giue him infallible certainety that ſuch, and ſuch things pleaſe God and help to ſaluation, and therby breed in him moſt ſupernaturall hope, able to make him do and endure all with perſeuerance till death, which is preſcribed as neceſſary to ſaluation by the law of God? It is true that by naturall courage ſtrenghtned with hope, propoſed by nature or ſuggeſted by inſtigation of the deuill, ſome Infidels or Heretiques may doe and endure much, but nothing neere that which Gods ſeruants are by Gods law in ſome caſes commanded to do, or endure: for example to deny themſelues, to take all croſſes and imitate Chriſt, which things cannot be done or hoped for, but by grace ouercoming nature; and the ordinary meanes of getting and preſeruing this grace is eyther by right vſe of Sacraments, or by acts of ſupernaturall vertues grounded in ſupernaturall Fayth, which ordinarily cannot be had out of the actuall or virtuall vnity of the Catholique Roman Church.

2. Cor. 9. 10.

Matth. 16. 24.

Beſides, if one had diuine ſupernaturall Fayth and hope by extraordinary ſupernaturall meanes, yet he cannot be ſaued vnleſſe he alſo haue diuine ſupernaturall charity, which none can haue who committeth or conſenteth to thoſe who commit any deadly ſinne, eſpecially of Schiſme, and Separation of himſelfe and

others

others from the Fayth vnity or obedience of the Catholique Roman Church and the Paſtours thereof: for as S. Paul teacheth if one haue all Fayth ſo as he can remoue mountaines, yet haue not Charity, it doth not profit to ſaluatiō; neyther is it ſufficient that one ſay he loueth God: for as *S. Iohn* ſayth, he that ſayth he knoweth God and yet keepeth not his commandements, he is a lyar; and he that breaketh any one commandement (ſay th *S. Iames*) is guilty of all. Now, one of Gods commandements is to loue our brother or neighbour: This commandement, ſayth *S. Iohn*, we haue from God, that he that loueth God muſt alſo loue his brothers; and the ſame *S Iohn* ſayth, he that loueth not his brother whom he ſeeth, how can he loue God whom he ſeeth not? Now, if he that doth not loue his brother or neighbour, or doth hate any one man, cannot loue God but committeth deadly ſinne, remaineth in death, and is to be acconnted as a murtherer in the ſight of God, how much more he that loueth not, but deuideth himſelfe from Fayth and communion of ſacraments and Rites and obedience of the whole fraternity and brotherhood of the viſible Catholique Church, out of which (being the houſe of the lyuing God, the orderly vnited army and ſpirituall kingdom, and myſticall body of Chriſt) none can partake Chriſts ſpirit, nor conſequently be his; nor conſequently if he ſo liue & die be ſaued, ſith beſides IESVS Chriſt, there is no other Name vnder heauen in, and by which men muſt be ſaued.

1. *Cor.* 13. 2.
1. *Ioan.* 2. 4.
Iacob. 2. 10.
Ioan. 4. 21.
Ibidem 20.
1. *Ioan.* 3. 15.
1. *Tim.* 3. 16.
Cant. 6. 9.
Eph. 2. 23.
Aug. tract. 27. *in Ioan.*
Act. 4. 12.

One may obiect and ſay, It ſeemeth by this diſcourſe that we doe vncharitable damne all, beſides ſuch as are actuall members of the viſible Roman Church, which are but few in compariſon of the reſt in the world. It ſeemeth alſo incredible that our moſt mercifull Lord

1. Tim. 2. 4. 2. Ioan. 2. 2. (who firſt created all ſorts, yea all men, and will of his part haue all ſaued, and who after ſent IESVS Chriſt his ſonne to be Sauiour of the whole world) would haue ſo few ſaued. I anſwere. 1. That we ſay not, that any are damned out of any deſire, or wiſh that any man ſhould incurre damnation (which were indeed moſt vncharitable) but we only forewarne men of their perill, letting them know that damnation is threatned by Scripture, & Fathers, and Reaſon grounded thereupon to all who will not heare, beleiue, and obay, and communicate in Sacraments and Church-Rites with ſuch whō God hath appointed to be the ordinary meanes, by which Fayth, and hope, & charity, and the grace of God and other vertues neceſſarie to ſaluation, are to be communicated vnto vs; of which peril to forwarne men, is ſo far from being vncharitable, as it is an act of charity, eſpecially being done (as we doe it) with intent, that they may not fall into damnation for want of knowledge of the ordinary way of ſaluation, by raſh preſuming of extraordinary wayes, which no man may ſafely rely on, while he neglecteth the ordinary way; in regard it is not Almightie Gods vſuall manner to help any by extraordinary meanes when they may, but through pride, willfulnes, or negligence will not know, & help thēſelues by ordinary meanes. So as to forewarne men, I ſay, in this ſort of their peril, is a moſt neceſſary act of charity, and to neglect to doe this when need is, or to doe the cōtrarie, by promiſing ſecurity where none is, were a moſt damnable neglect, or an act againſt charity, as to neglect to forwarne men whom they ſee going out of the ſafe High-way into a by-way in which is peril of Robbers, or to tell them they may eſcape robbing although they goe out of the ſafe High-way into certaine perillous wayes, is

evidently

euidently againſt charity and humanity.

2. I anſwere, that we doe not ſay, that all are damned who are not actuall members of the viſible Catholique Roman Church, but eyther ſuch as neyther now are, nor euer in this life wilbe actuall nor virtuall members thereof, for in effect we onely ſay the ordinary neceſſary meanes of ſaluation is diuine ſupernaturall Fayth, hope, charity, and the grace of God, and other ſupernaturall vertues preſcribed by the law of God, and that none can haue theſe vertues (according to the ordinary courſe) but ſuch as heare, belieue, obay, and communicate in ſacraments and rites (in act or deſire, explicitely, or implicitely) with thoſe whom God hath appointed to be the ordinarily lawfully-ſent Paſtours and Doctours, by whoſe miniſtery (and not otherwayes ordinarily) theſe aforeſaid vertues are infuſed, bred, increaſed, and continued in vs; & that theſe ordinary Paſtours are no where found out of the vnity of the Catholique Roman Church, in regard others that ſhalbe aſſigned, either were neuer lawfully ſent, or if they once were, they loſt their lawfull miſſiõ and commiſſion (and conſequently want the aſſiſtance of Chriſts ſpirit, & vigour to communicate it, and by it Gods grace to others) by falling into Infidelity, Hereſy, or ſchiſme, or by vnlawfully conſenting with, or adhereing to any ſuch ſociety of men, who by Infidelity, Hereſy, or ſchiſme haue ſeparated themſelues, or are by iuſt ſentence ſeparated from the Communion of the Catholique Roman Church, or wittingly, willingly, and obſtinatly doe in any ſort refuſe to heare, belieue, obay, and communicate with the ſaid Roman Church.

3. I anſwer, that this doctrine doth not make the number of thoſe which be ſaued leſſe then is deſcribed

in holy Scriptures; for first holy Scripture telleth vs, that few in comparison of the whole world are to be saued, *multi vocati, pauci electi, nolite timere pusillus Grex.* It is true, that almighty God of his part would haue all saued, Christ our Lord of his part also hath left meanes sufficient to saue all, and all men either immediatly, or mediatly haue one time or other, grace offered vnto them, either by ordinary or extraordinary meanes sufficient (supposing they put no obstacle but freely correspond to diuine inspirations) to draw them at least by degrees to sufficiene supernaturall knowledge of diuine truth, and so at last to Iustifying Grace, so as the cause why so few are saued, is the fault of men, not want of Gods mercy, or Christs merits.

Luc. 12. 32. *Matth.* 20. 16.

4. The number of such as are saued may be, according to this doctrine, very many, yea as many as are described *Apoc.* 7. For the Roman Church is not contained as some imagine within the walles or particuler Dioceſſe of the Citty of Rome, or the Popes temporall dominions, or the westerne Patriarchy; but stretcheth it selfe ouer the whole world where any Catholique Christians are, all which doe belieue the same Fayth, communicate in the same Sacraments and Rites, and liue vnder obedience of lawfull Pastours, who are subordinat to the Bishop of *Rome*, being vnder Christ the chief Pastour. And besides whatsoeuer other, whether liuing among Pagans, Turks, Iewes, or Heretiques, or Schismatiques, who through inuincible ignorance know not, or knowing cannot haue the benefit of the ordinary helpes of Pastours, are on the one side excused from actuall sinne of their Errours and outward separation from the Roman Catholique Church: And who on the other side are by Gods goodnesse extraordinarily illuminated with supernaturall

Apoc. 7. 4.

turall Fayth, and endued with hope and charity, as I doubt not but manie are; all these I say, although not being actuall members of the Roman Church, yet (in regard they are so disposed in mind, that if they knew and had the ordinary meanes and helpe of Pastours and Doctours of the Roman church to teach them what further is to be belieued and practised, they would belieue and practise it for abtaining Gods favor and eternall saluation) they may be, and are accounted virtuall members of the Roman Church, & so may be saued. As likewise Catechumens and persons excommunicate (supposing they dye with a like good inward disposition, desire, and endeauour of being vnited to the Church by baptisme and absolution) may be, and are accounted virtuall members of the same Church. But if on the one side, they should by inuincible Ignorance, or impossibility be excused from actuall sinne of Infidelity, Errour, and schisme; yet on the other side (through the demerit of their other sinnes, committed against the light of reason and diuine inspirations which almighty God doth vsually impart to all men, at one tyme or other) they should not be illuminated (as it is to be doubted most Pagans, Turks, Iewes, Heretiques and schismatiques are not) or if being illuminated with inward supernaturall Fayth, they doe not cooperate with it to the attaining of hope and charity, and repentance, & other necessarie vertues, or if they be maliciously, and obstinatly bent against, or grossely negligent in seeking to know, or knowing careless to heare, belieue, & obay the ordinarie Pastours:

These men doubtles, as being through their owne fault depriued of the ordinary meanes of saluation which they might, and ought to haue had by hearing and

and believing ordinary Paſtours, cannot in reaſon preſume to be ſaued by extraordinary helpes of Grace, (which are not to be expected when ordinary may be had) for we muſt not expect miracles without neceſſity, but may iuſtly feare, or rather be ſure that ſuch men if they perſeuer in this ſtate of mynd vntill death, cannot attaine ſaluation. And therfore no man who feareth God and is carefull of his ſoules health, will ſuffer his mynd eyther to be maliciouſly and obſtinatly bent againſt Roman Catholique Paſtours, or negligent in hearing, believing and obaying, and vniting himſelfe with the ſaid ordinary Paſtours, but ſhould and ought firſt hartily deſire, and pray to God to ſend him ſome meanes wherby he may be rightly informed in truth neceſſary to ſaluation, and alſo doe his further beſt endeuors to find, with reſolution to follow, thoſe whō he may learne to be ordinary Paſtours and lawfully-ſent preachers, whom God hath appointed to teach the ſaid reuealed entire truth, without expecting that God himſelfe ſhould extraordinarily appeare, or make an angell appeare vnto him to giue him inſtruction, which inſtruction alſo were like to be no other, then to ſend him to the ſaid ordinary teachers; as appeareth in the example of *Cornelius*, and *S. Paul*, vnto whom although it pleaſed chriſt our Lord extraordinarly to appeare, to the one by an Angell, to the other by himſelfe, yet for particuler inſtruction he wiſheth *Cornelius* to ſend for *S. Peter*, & *S. Paul* to goe into the Citty, where *Ananias* was ſent to him to teach and baptize him.

Act. 10. 5.
Act. 9. 8.

2. It may be obiected, that it ſeemeth it may ſuffice that a man doth agree with the Roman Church in ſome chiefe heads or fundamentall points of doctrine, as in believing the Holy Trinity, Chriſt crucified &c. although in other points he hold contrary: for if one

haue but ſoe much actuall ſupernaturall Fayth as may breed hope, and charity, and repentance &c. and ſo much ſubmiſſion and obedience in hearing and belieuing ordinary Paſtours in theſe fundamentall points, and in taking baptiſme of them, the caſe may be put that he may be ſaued although he doe not actually belieue any more, but hould opinion contrary to the reſt of the doctrine of the Roman Church: And although alſo he receaue no other Sacraments, nor thinke it neceſſary to receaue any other, nor to obay any other commandement of the ordinary Paſtours; as for example if one being onely inſtructed in the ſaid fundamentall points, & only taught that it is neceſſary to be baptized, and hereupon actually doth belieue, and is effectually baptized, and after that preſently dyeth or liueth where he neuer heares more inſtruction, and for want of inſtruction ſimply thinketh no more to be neceſſary, nor any other thing taught by the Roman Church cõcerning other articles to be true, but being asked poſitiuely ſayth (according to that he knoweth by the only light of nature) that it is falſe:

Such a man doubtles, by reaſon of inuincible ignorance ſinneth not in this, and on the other ſide he ſeemeth to haue had meanes ſufficient of ſaluation, according to that of our Sauiour, *Qui crediderit & baptizatus fuerit ſaluus erit:* why therfore may not Proteſtants and other Heretiques and ſchiſmatiques be ſaued who hold the ſaid fundamentall points and be baptized, and liue either where they haue noe inſtruction, or not ſufficient to make them belieue other points of Roman Fayth, or to ſee it neceſſary to receaue any other ſacraments, yea although ſymplie (as they haue beene taught by their preachers) they thinke Roman Fayth in other points to be falſe? I anſwere, that ſuch an extraordinary *Marc.* 16. 16.

case may be pūt, or at least imagined in which such a one as is described in the obiection, may haue such inuincible ignorance as he may be saued. But this case of hauing such inuincible Ignorance is extraordinary, & must not be made a Rule for any to rely vpō ordinarily, especially when there are so many occasions & meanes to get knowledge & so few mē (in cōparison) foūd who either outwardly haue not heard, or by diuine inspiration do not inwardly, at least someumes, suspect or doubt that it is not sufficient onely to belieue some few principall points of Fayth, and only to be baptized; for both in Holy Scriptures, and other bookes and sermons, and in ordinary speaches more is spoken of, and the liues and examples of other Christians of seuerall sorts giue occasion of doubt or question, that something more is to be belieued or practised: neyther is there any reason, or authority sufficient to assure, that there needs no more, for first (these matters being supernaturall) naturall reason cannot tell that any part is necessary, or if so much, why not more?

And for authority, wheras some hould more, some lesse to be fundamentall, or absolutly necessary to be knowne and belieued expressely, eyther *necessitate medij* or *præcepti*, no man ought to aduenture his saluation vpon the authority of any one, or some few, especially *tam pauci, tam noui, tam turbulenti*, so few, so new, so turbulent Preachers, who doe teach this libertine *Largamanica*-doctrine, that it is sufficient to belieue a few fundamentall points and that one may in all other things (although reuealed by God, and proposed to be belieued by full authority of the Catholique Church) belieue what he list, or not belieue any of them, supposing he can so frame his conscience (as is most easy for such who make noe conscience of not hearing, and

belieuing and obaying the teaching of the Church:) No man, I ſay, ought to aduenture his ſaluation vpon ſo ſleight and vncertaine authority, eſpecially when with looking a little about him into the Chriſtian world, or by asking, he may fynd far greater authority affirming it to be needfull to belieue *explicitè* or *implicitè* all reuealed truth, propoſed by full authority of the Church, without doubting or denying any one point; the which he may find to be affirmed by the greateſt authority in this world, to wit, by the authority of the moſt glorious, moſt ancient, moſt vniuerſall and conſtant conſent of the Paſtours and Doctours, and other profeſſors of the Catholique Romã Church, of whom euery one that doubteth, ought to learne what is, and what is not to be belieued by diuine Fayth to be reuealed truth; alſo what part of it is, and what is not ſo held for a point fundamentall, or neceſſary to be knowne, and belieued expreſſely *neceſsitate medij*, or *præcepti*, by euery one, what by thoſe who haue comodity of inſtructors, what by thoſe which want it, what by thoſe of more capacity, and what by thoſe of leſſe, what by Paſtours, what by people &c. for according to theſe differences of perſons and other circumſtances, more or leſſe of the reuealed truth is neceſſary to be expreſſely knowne and belieued vnder paine of damnation, as Deuines do commonly hould, who alſo do all conſtantly affirme, that it is not lawfull for any Prieſt, or layman learned or vnlearned to deny obſtinatly, or deliberatly doubt of any part of the ſaid reuealed truth, being by the true Church ſufficiently propoſed, notified, & made known to be a truth reuealed by God, in regard this were in effect to giue God and his Church the lye, and proudly to oppoſe and preferre a priuate mans Iudgment and will, before, or againſt the Iudg-

ment and will of God, and his true Church; which to doe aduisedly, and espetially with contempte or contumacy, must needs be a damnable synne, although the matter in which this is done be neuer so small. For our Sauiour who commaundeth vs to heare, belieue, & obay the Church, doth not limit his commaund only to matters fundamentall, or of chiefe moment, but without all limitation or distinction of matters, he expressely sayth, *Omnia quæcumque dixerint vobis seruate & facite*, obserue and doe all things whatsoeuer they say vnto you, that is, little and great, and euen in matters of fact done against any of our brethren; and therfore *à fortiori*, in things done immediatly against God himselfe or his Church, Christ our Sauiour indefinitely and without all restriction sayth, He that will not heare the Church, let him be to thee as a heathen and publican; whose state being damnable, the state of him who shall in manner aforesaid not heare, or belieue, and obay the Church must needs be also damnable, so long as without repentance he continueth in that wilfull not hearing, belieuing, and obaying the Church. In regard of the Church that may be truely said, which is said of some particuler members of it; *It is not you which speake, but the spirit of your Father which speaketh in you*, so that the Church may say (as *Moyses* said) to those who rebell or murmure against it, *your murmuring is not against vs, but against God our Lord*: But to rebell and murmure against God deliberately with contempt, and comtumaciously, must needs be damnable sinne. *Ergo*, not to heare, belieue, and obay, but rebell & murmure against the Church in manner aforesaid, must needs be damnable sinne.

Matth. 23. 2. *Matth.* 18. 17. *Matth.* 10. 20. *Exod.* 16. 8.

3. It may be obiected, saying, It may be shewed that the Church of *Rome* hath giuen iust cauſt of Protestants

ſtants ſchiſme or ſeparation, or that at leaſt now that the ſeparation is made, it is the fault of the Church of Rome, that vnion is not procured, for there were many Errours not only of fact, but alſo of Fayth, and for Errours of Fayth it is neceſſary to ſeparate. I anſwere. Firſt with *S. Auſten*, that there cānot be any iuſt cauſe for any particuler man, or any particuler Church to ſeparate it ſelfe from the whole viſible Catholique Church, and if not to ſeparate at firſt, much leſſe to continue the ſeparation: for if to ſeparate be ill, it is much worſe to continue in it. If one act of fornication be (as it is) damnable much more damnable is it to liue many yeares in a ſtate of fornication, or in any other great ſinne, eſpecially of ſchiſme. The reaſon of this my anſwere is, for that Errour in Fayth cannot be in the whole Church; and for any other Errour it is not a neceſſary, or iuſt cauſe to make men ſeparate from the Church, in regard all neceſſarie reformation may ſtand with Church-vnity; neyther can there be any correction (as *S. Irenæus* calleth it) or reformation (which cannot ſtād with Church vnity) ſo great a good as to counterpoize the euill of ſchiſme, for ſchiſme being a renting or tearing of one part of the Church from the other, doth neceſſarily make one of thoſe parts to be no part of Chriſts myſticall body, which is but one (*vnum corpus*) nor conſequently informed with Chriſts ſpirit, which being one (*vnus ſpiritus*) is not found out of Chriſts myſticall body: But to make any part of the Church to become noe part of the myſticall body of Chriſt, and conſequently to be depriued of his ſpirit and grace, and conſequently not to be his, is a greater euill thē can be counterpoized by any good which can come of any ſuch reformation as breaketh Church-vnity; for noe ſuch reformation can giue the life of Chriſts ſpirit to any that wanteth it,

Aug. ep. 48. ad Vincens.

Eph. 4. 4.

Aug. tract. 27. in Ioan.

but at moſt ſome more pretended perfection of life to thoſe which already haue the life of Chriſts ſpirit, which is not ſo great a good, as the life it ſelfe which ſchiſme taketh away from one of thoſe parts which doth rent and teare themſelues from Church-Communion.

2. I anſwer, that it is certaine that the Roman Church did not rent herſelfe from the Proteſtant Church, in regard ſhe neuer was vnited vnto it, neyther was there any Proteſtant Church before Luther and others, who being once members of the Roman Church, did confeſſedly make a rent, ſeparation, and departure, or going out from it; the which being done vnder pretence of reformation demanded, and not graunted, I aske whether this reformation demanded and not graunted was in doctrine or manners? if only in manners, it was not a ſufficient cauſe, as is already ſaid, neyther was it needfull or fit to make a ſchiſme, eſpecially ſuch a horrible ſchiſme, as was made for procuring Reformation of manners, eſpecially when it might be better made by remaining in Church-vnity with ſuch as needed to be reformed, who would more eaſily heare good admonition of brethren liuing in vnity, then of thoſe who haue made themſelues ſtrangers and oppoſit by ſeparation. If it be ſaid that reformation needed in doctrine, I aske whether in doctrine of Fayth neceſſary to ſaluation, or in doctrine not neceſſary? 1. For doctrine not neceſſary, ſchiſmes (eſpecially ſuch a one at this) doubtles ought not to haue bene made, in regard Schiſme is a greater euill then can be recompenſed with any doctrine not neceſſary to ſaluation. 2. If it be ſaid that the cauſe why Proteſtants did ſeparate themſelues, was for that the Roman Church did erre in doctrine neceſſary to ſaluation; I aske, firſt what particuler doctrines theſe be?

Caluin confeſſeth it *l. ep. ep.* 141.

be? For either they are, 1. certaine groſſe Errours, ſlaunderouſly obiected by Proteſtants, but not held by any Roman Catholique; or 2. ſome opinions found in ſome particuler mens writings, but not held vniuerſally nor defined by the Church; or laſtly doctrines defined[a] in the Councell of *Trent*. For doctrines of the firſt and ſecond kind, Proteſtants had no reaſon to ſeparate themſelues from the Romã Church, for that thoſe (not being her doctrines, nor held by her, nor any way neceſſary to be held by any who will hould cõmunion with her) could not be any iuſt cauſe to moue any to ſeparate from her, but rather to ioyne with her in deteſting the former, as ſhe alwayes did and doth, and correcting the latter kind, as ſhe ſometymes doth, eyther by burning their books, or by razing out the Errours out of their bookes, or by writing againſt them. And for doctrines of the third kind which are accounted damnable Errours of the Roman Church, I aske in whoſe Iudgment they be accounted damnable Errours? If onely in priuat particuler Iudgmẽts of her aduerſaries or rebellious children, it is againſt all reaſon, that this their priuate Iudgment ſhould be preferred before the common Iudgment of their confeſſed mother the Romã Church; and it is ſo farre from being a ſufficient cauſe of making a rebellion againſt her, or a ſchiſme or ſeparation from her, as it is to be reputed with *S. Bernard*, *intollerable pride*, and with *S. Auſtin*, moſt *inſolent madneſſe*, to oppoſe any priuat mans Iudgment, or diſpute againſt that which is iudged or generally practiſed by the Church. If Proteſtants ſay they hould them to be Errours not vpõ their owne priuate Iudgment, but eyther for that they find them not in Scriptures, or ancient Councels and Fathers of the firſt 600. yeares, or for that they find them (to wit in their priuate Iudgment) to be contrary to

Ber. ſer. 3. de reſur. Aug. epiſt. 118.

Scriptures

Scriptures and Fathers. I answere.

First, that this is still to reduce all to their priuate finding, or not finding. 2. I answere, that it is not necessary that euery point of Fayth be found expressely, and in particuler in Scriptures or writtings of Fathers, by the priuate Iudgment of euery particular man, but that it be proposed as a truth reuealed, & made knowne to vs eyther by written or vnwritten Traditions, so that although some points *of Trent*-doctrine be not foūd expressely, plainely, and in particular in Scriptures, Councels and Fathers (as also diuers points which Protestants doe belieue and teach, are not found in Scriptures, Councels and Fathers) yet there is not any one point defined in the Councell of *Trent* contrary, but conformable to, and conteyned in, and may by good consequence be deduced out of Scriptures, Councels and Fathers, immediatly or mediatly; which is sufficient, (for to require that euery point should be proued immediatly out of some particuler sentence of Fathers Councels, or text of Scriptures, by a good syllogisme which doth demonstratiuely conclude that particuler point, is not necessary:) neyther can our Protestants so proue diuers points of their doctrine set downe in their 39. Articles which their Ministers subscribe vnto, and are obliged to hould. For although Protestants (as all other Heretiques, old and new, vse to doe) alleadge ordinarily (in their Sermons, Homilies, Catechismes books of articles, and other books) quotations of places and sometymes words of Scriptures or Fathers which make the simple people belieue that their doctrine is conformable to, contained in, and immediatly deduced out of such sentences & texts as are quoted, and whose words are alleadged; yet let any man not partially affected, & hauing skyll in Diuinity and Logick examine

and

sects of an ill spirit; but most cleerly by that rule of discerning spirits giuen by S. Iohn, *Nos ex Deo sumus*, We are of God, he that heareth vs is of God, he that is not of God, doth not heare vs; for according to this rule we are assured that euery spirit is of God, which heareth beleiueth, and obeyeth the Church of God, and on the contrary part, that spirit is not of God which doth not heare, beleiue, and obey the visible Catholique Church which is certainely knowne to be of God, and to haue in it the true spirit of God, in regard it hath in it an vninterrupted continuall succession of Pastours and Doctours vniuersally spread ouer the whole world, and consenting one with another, and with their predecessours in the first receaued and neuer-chaunged doctrine of Christ; for this, and no other company hath in it the spirit of God, and vnto this and no other company doth Christ our Lord and God promise his owne presence, and the Holy Ghost his assistance all dayes, and for euer, euen vntill the consummation of the world. And therefore sith it appeareth by Scriptures and Fathers, that the Roman Church was once in possession of this priuiledge, and by hystories that she neuer made chaunge of the first receaued doctrine, nor otherwise lost this her priuiledg, as is already proued;

1. Ioan. 4. 6.

Matt. 28. 20. *Ioan.* 14. 16.

Rom. 1. 8. *Irenæus lib.* 3. *c.* 3. *Cyprian. epist.* 18. *in edit. Morelii.*

I may certainely conclude, that she, and those that are ioyned with her, may say with *S. Iohn*, *Nos ex Deo sumus*, we are of God, he that heareth vs is of God, he that is not of God doth not heare vs; In this we know the spirit of truth, and the spirit of Errour: and hereupon may subsume.

But Protestants do not heare vs.

Therefore, we know that they are not of God, and that their pretended spirit is not the promised spirit

Church is onely in those, who in all humble obedience, concord, and vnity of hart & spirit actually adhere to the Catholique Roman Church, and consequently, that there is no saluation out of the Vnity of the Catholique Roman Church.

FINIS.

LA NOVEL Natura Breuium du Iudge *treſreuerend Monſieur* ANTHONY FITZHERBERT

dernierement reuieu & corrigee per Lauteur, auecques vn Table perfect,

Des choſes notables contenus en ycel, nouelment compoſe per *Guilliaulme Raſtall.*

LONDON,
Printed for the Companie of Stationers. 1616.

Cum Priuilegio.

¶ La preface ſuis ceſt lieur, *compoſe per le reuerend* Iuſtice Anthonie Fitzherbert.

EN cheſcun art & ſcience il y ad certaine rules et fundaments, as queux home doit doñ foy & credence, & les quels il ne poit denier. En tiel mañ ſont diuers rules & fundaments en la ſcience del commen ley del terre, as queux home doit doner foy et credence & non pas eux denier, queux ſont fort neceſſaries a ceux q̃ voilent apprendre la dit ley, eſpecialment al commencement, car deſuis ceux foundaments tout la ley depende. Pur quel cauſe en temps paſſe vn lieur moult p̃fitable fuit compoſe, appel le Regiſter, le quel contein diuers principles, per les quels il ſerra bñ toſt inſtruct, que voet entendre les dits loys. Et auxy pur cel intent & purpoſe fuit compoſe per vn ſage & diſcrete home, vn lieur appel Natura breuium. Le quel lieur diſcriue & monſtre les diuerſities & natures de pluſieurs briefes fort bien & diligentm̃t, oueſque lour proceſſ, & le quel lieur aide beaucoup a entendr̃, non ſolement le Regiſtr̃, mes auxy les loys del terre. Mes pur ceo que de tardif temps cẽy lieur eſt tranſlate en noſtre maternal language, & pluſiours choſes miſes en icel, des queux aſcuns ne ſont accordants al ley del tre, & pluſiours choſes omittes, q̃ux ſont fort profitables & neceſſaries pur entendre les dits loys del terre, pur meſme celuy cauſe (ieo die) ceſt preſent ourage & treatiſe eſt ore compoſe & miſe en publike: en le quel ſil y ad aſcun choſe encounter lopinion des ſages, que ount ladminiſtration des loys del terre, le requeſt de eux que ount preigne le labour et peine de faire ceſt treatiſe eſt, que ils voilent amender & corriger, coment a eux ſemble accordãt auxy les loys.

FINIS.

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¶ Briefe de *Droit Patent*.

Hot oze a mõstr̃ & declar̃ les natures de ceux brẽs, q̃ux sõt oziginals, solõq̃ le mañ & fozm cõe ils sont escrites & mis en l' Regist. p oz̃: & il serra exp̃esse & especifie in fozme ensuãt.

¶ Et en p̃imes, p̃ r̃ q̃ l' bz̃iefe de Droit patent est le plus haut bz̃iefe, q̃ est en la ley del tre en sa nature, il serr̃ p̃imes declare le nature de cest bz̃iefe, & ou il gist. Et cest bz̃iefe coutent este poz̃t des tres ou des tenũts, & nemy de aduowson, ne de cõmen, & gist solemt̃ destate de fee simple, & nemy de meyndze estate: cõe pur tenant en taile, ou tenant en frankmariage, ou a terme de vie: car ceux tenants naũ̃ vnques tiel bz̃iefe de Droit patent. Et cẽ bz̃iefe gist p̃ẽt, ou home fuit seisie en fee, & aut r̃ cest tre vers luy p̃ default en Præcipe quod reddat: oze si q̃ põ p̃ default, coutient suer cest bz̃iefe: Ou si hõe seisie en fee, deuie seisie de tiel estate, & estrange abat, & entre en l' tre: & de foze iheire, oze iheire puit suer cest bz̃iefe de Droit vers cestuy que est tenant del franktenement de ceo terre, ou Assise de mozt̃, & cest bz̃iefe coutient estre poz̃t vers cestuy que ad le franktenement en la terre al meynes, & nemy vers tenaunt a terme des ans, ne vers tenant per estatute marchant, ne vers tenaunt per elegit, ne vers tenaunt per estatute destaple, mes il coutient estre poz̃t vs̃ ceux tenants que ont estate en fee simple en le tre, ou en fee taile, ou a terme de vie al meyns. Et cẽ bz̃iefe est touts dits pat & nemy close, cõe auts bz̃ieles sount. Et si les tres sount tenus de auts̃ pers̃ons q̃ del Roy ou del Roigne, donq̃s cest bz̃iefe serra direct al Sñr m̃, de q̃ les tres ou tenem̃ts sount illint tenus, sinon q̃ le Sñr soit hozs de Realme: car donq̃s serra direct al Bailly del dit Seigniour. Et donque le Chauncelloz Dengl̃ coutient estre de r̃ certifie. ¶ Et si home soit elect destre Euesque, & bz̃iefe de Droit est destre sue en aſ̃ court del Mannoz del dyt Euesque, le bz̃iefe de Dzoit la serra direct as Bailies del dit Eslite, & nemy al Eslite m̃. Et cest bz̃iefe est come vn commission al Sñr, ou as Bailf le Seignioz, que ils ferõ dzoit &c. Et le fozme del bz̃iefe direct al Seignioz m̃ est tiel.

G ¶ Henricus dei gratia &c. Henrico Comiti Lanc. ſalutem, Præcipim⁹ tibi, quod ſine dilatione plenũ rectũ teneas A. de B. de vno meſuag. & xx. acris terr̃ cum pertiñ in I. quę clamat tenere de te ꝑ liberum ſeruitium vnius denarij ꝑ anñ ꝑ omni ſeruitio, quod W. de T. ei deforceat, & niſi feceris, vic' Notinghm̃ faciat, ne amplius inde clamorem audiamus pro defectu recti. Teſte &c.

H ¶ Et ſi le ſñr ſoit hors del realm̃, donqz le fozm del briefe que ſerra direct a ſes Bailies, ſerra tiel.

¶ Rex Balliuis H. Comitis Derb honor̃ de P. in com̃ Derb, ſaluté. Præcipimus vobis quod ſine dilatione plenũ rect̃ teneatis A. de B. de vno meſuag. & xx. acris terre, cũ ꝑtiñ in I. q̃ clamat tenere de dicto dño veſtro ꝑ liberum ſeruic' faciend' ſect̃ ad curiam p̃d' domini veſtri honor̃ præd' in comitatu p̃d' de tribus ſeptimanis in tres ſeptimanas ꝑ omni ſeruitio &c. *vt ſupra.*

I ¶ Et per ceo appiert q̃ en le briefe de Droit patent il eſt preſſe, ꝑ queux ſeruices les tres ſont tenus &c. Et ſi le terre ſoit ten⁹ del Roy, ou del Roign̄, come del hoñ, ou en burgage, donqz le briefe ſerra direct al Bailies del Roy ou del Roign̄. & le briefe ſerra tiel.

¶ Henricus dei gratia Rex &c. Balliuis ſuis Lincoln̄ ſalutem. Præcipimus vobis, quod ſine dilatione plenum rectum teneatis A. de B. de vno meſuagio cum pertineñ in Lincol', quod clamat tenere de nobis ꝑ liberum ſeruitium vnius denarij per annum pro omni ſeruitio, quod W. de B. ei deforc' ne amplius inde clamorem audiamus pro defectu recti &c.

K ¶ Et ſi home ſue briefe de Droit patent de tres ou teneñts q̃ eſt tenus ꝑ vn fee de chr'r, donqz le fozm de bre fr̃, De vno meſuag. & x. acr̃ terre &c. q̃ clamat tenere de te per

L ſeruic' feod' vnius militis pro omni ſeruicio. ¶ Et le briefe de Droit giſt, de paſſagio vltra aquam Tamiſie: & de paſtura ad centũ oues &c. & de reddit̃ vnius libræ zinziberis, ſic, De vno meſ. decem acris terre, nouem ſolidat̃ redd̃ & paſſagio vltra aquam Tamiſiæ, & paſtura ad cent̃ oues, cũ ꝑtin' in W. & de redditu vnius librę zinziberis, vnius libræ canell', vnius roſæ, vnius paris calcarium deauratorum, & de tertia ꝑte vnius gardini, cum pertineñ in N. quę clamat tenere de nobis per liberum ſeruitium, inueniend' nobis vna cum participibus ſuis quinq; naues ad tranſitum noſtrum, ad mandatum noſtrum pro omni ſeruitio &c.

¶ Et

¶ Et ſi les tres dasſ ſñr ſoyent en gard le Roy p nonage A
de ſon heire, & briefe de Droit eſt deſtre poꝛt en la Court de
ceux maſis, ou le Roy ad commit tiel gard des tres ouſter
a vn auter: oꝛe le briefe de Droit ſerra direct al Bailies del
gardein, a q̃ eſt cõmit, ou al gardeine m̃ ſil ad la tre en gard
en ſ̃ droit demeſne, & p reaſon del ſñr, q̃ le heire eſt en gard̃
a luy, & les foꝛmes del briefes en le Regiſter ſont tiels.
¶ Rex Ball' cuſtod̃ terre & hæred̃ A. de B. *Vel ſic*, Balliuis
cuſtod̃ terre A. de B. ¶ Et ceſt briefe eſt lou le gardeine ad
ſoleñt la tre en gard̃ & nemy le heire &c. Et al gardeine m̃
le briefe eſt, Rex cuſtod̃ tre & hæred̃ B ſalutem. Præcipimus
tibi &c. quod clamat tenere de prædict̃ hęd̃ &c. Et ſ̃ le heire
nad Court p̃ le pouerty del tre, q̃ eſt de cy petit value, dõq
le briefe ſerra direct al chiefe ſñr, cõe capitali dño, & nemy
come gardeine, & donq̃ le briefe dira: Et que de ipſo clamat
tenere &c. & ne dira come gardeine. Et appiert q̃ hõe auera
briefe de Droit de vn fee de Chiꝛ, & le briefe ſerra tiel.
¶ Rex A. de B. ſaluꝫ̃ &c. Præcipimus tibi quod &c. W. &c. de B
ſeruitio vnius feod̃ militis cum pertin̄ in W. quod clamat te-
nere &c. per ſeruitium vnius paris calcariũ deauratoꝝ pro
omni ſeruitio &c. vel per ſeruitiũ inueniend̃ hominẽ equitẽ
vel peditem ad eundum tecum in exercitu Wallię, ad ſump-
tum tuum & ad coſtum &c. p̃ omni ſeruitio. *Vel ſic*, per li-
berum ſeruitium portand̃ breuia tua ad ſumpt̃ tuum, & ad
coſtum tuum infra com̃ &c. p̃ omni ſeruitio. Et ẽ vn oꝛder
mis en le Regiſter, quãt home demaund diuers parcels de C
tre en ſon briefe, q̃ ſont en diuers natures, q̃l parcel ſerꝫ̃
p̃munes ſpecifie en le briefe, & q̃l parcel p̃chein a ceo, & don-
ques q̃l parcel p̃cheine a ceſt, & iſſint de touts, & ceo ap-
piert per ceux ꝟ. verſes enſuants.

ſuagium, um, lendinum, lumbare, dinum, ra, tum, tura, cus, ra,
Meſ toft mo co gar ter pra paſ boſ brue mora
ria, cus, tum, caria, ditus,
Iunca mariſ alue piſ red ſectãre priora.

¶ Et ſi home en ſon briefe voile demaunder x. meaſes, &
x. acres de tre, & x. acꝝ̃ de p̃, & x. acres de paſtur̃, & pluſoꝛs
auters parcels, & aꝛes en m̃ le briefe il voile demaunder le
moitie ou ij. part dun meſe, ou de acre de terre, ou de p̃,
ou de paſture, donq̃ le foꝛme del briefe eſt de mitt̃ en p̃i-
mes del briefe lentire parcel, & en le fine del briefe le moitie
&c. ou le tierce part &c. *Sic*, quod plenum rectum &c. de
vno meſuagio, vno molendino, vno gardino, medietate

nota bene
the manner of demaund in a writte first generall & then particular

vnius meſuag. vnius acre terre cum ꝑtinen', excepta j. acra terræ in N.&c. iſſint icxcepꝫ & le forſpris ſerꝫ touts dits en le fine del demaund: Et briefe de Droit poit eſtre pozt vers diuꝫs teñts q̃ teigñ les tres ſeueralm̃t, & donqz le fozme del briefe eſt: Rex A.B.&c. Præcipimus tibi qd' &c. plenũ rectũ teneas A. de xx. acris terre cum pertinenꝫ in N. quas clamat &c. vnde F. x. acr', & S. tres acras & C. vij. acras terr' ei deforc'. Et iſſint ceſt parol, terre, ſerꝫ en la fine a ceſtuy que eſt ſuppoſe darreine deſoꝛceoꝛ &c.

E ¶ Et ſi briefe de Droit ſerra pozt en Court daſꝫ Eueſqz ou Abbe, il ſerra donqz direct al m̃ Leueſqz, ſic: Rex venerabil' in Xp̃o patri Guilielmo eadẽ gratia Archiepiſcopo Cantuarienſi totius Angliæ primati, ſaluꝫ: mandamus vobis, qꝫ ſine dilatione &c. qd' clamat tenere de vobis per liberũ ſeruitium &c. Et ſil ſoit direct a vn Abbe, donqz le briefe dirra, quod clamat tenere de te &c.

¶ Et ſi en temps de vacation daſꝫ Eueſcherie, briefe de Droit ſerra pozt en le Court daſcũs tres q̃ ſont del Eueſchery, q̃ux ſõt en mains le Roy ꝑ le vacaꝫ, donqz le briefe de Droit ſerra direct as bailies le Roy, ou as bail' ceſtuy q̃ eſt eſlieu deſtre Eueſqz, & le fozme eſt tiel: Rex balliuis Archiepiſcopaꝫ Eboꝝ de C. ſaluꝫ, vel ſic, Rex balliuis H. electꝫ Lincoln' de H. ſaluꝫ: Præcipimus vobis &c. qd' clamat tenere de ꝑdictꝫ Archiepiſcoꝑ, vel ſic, ſil ſoit direct al Bailies ceſty q̃ eſt eſlieu deſte Eueſqz, qd' claim̃ tenere de ꝑd' domino vro

F ꝑ ſeruic' &c. Mes le ten̄t poit licenꝫ ſ teñt de ſuer ſ briefe de Droit en Court le Roy, s. en common banke deuant les Juſtiꝫ, & ꝫ cybien aꝑs le briefe purchaſe & retꝫ en common bank, cõe auant le briefe purch. & ſue. Et le fozme del briefe q̃ñt le briefe ſerra ſue in common bank ꝑ licence le ten̄t ſerꝫ tiel. ¶ Rex Vic' &c. Præcipe A. qd' iuſte &c. redd' C. vnũ meſuag' cum ꝑtiñ in N. qd' clamat eſſe ius & hæreditatẽ ſuam, & vnde queriꝫ qd' ꝑd' A. ei iniuſte deforciat, & niſi fecerit, & ꝑdictꝫ I. fecerit te ſecurũ de clamore ſuo ꝓſequendꝫ, tunc ſum̃ ꝑ bonos ſum̃ ꝑdictꝫ A qd' ſit corã Iuſtic' noſtris apud Weſtm̃ in quindena ſanct. Trinitaꝫ, oſtenſ. quare non fecerit, & habeas ibi ſum̃, & hoc breue, T.&c. quia I. capital' Dñus feodꝫ illius nobis inde remiſit Cuꝝ ſuam. Et iſſit ceſt clauſe ſerra mis ẽ le briefe poſt le Teſte &c. Et ſi cẽ clauſe ſoit omit en le briefe, & le Seignioꝛ apꝛes le briefe purchaſe manõ ſon letꝫ al Roy, q̃ il eſt content one ceo, il ſemble q̃ ceo ſuffiſt. Et ſi tiel clauſe, quia Dominus remiſit Cuꝝ, ſuit en le briefe,

il

il nē materiall, ſi ne fuit aſcū letter de le ſñr en le Chanc̄ ou non, pnant ſon aſſent. Et le fozme de letc̄ de licence, q̄ ſerra certifie al Roy, eſt tiel. ¶ Excellētiſſimo principi dño H. Dei gratia Regi Angl', dño Hibern̄, & Duci Aquitaniæ, Dunelm̄ Epō ſalutem in eo p quem Reges regnant, & principes dominantur. Quia K. de S. in Curia vr̄a coram Iuſticiar̄ vr̄is de banco per breue vr̄m de Recto W. de vno meſuagio cum pertin̄ in I. qđ de nobis tenetur n̄ra licentia mediante ꝓponit implacit̄, vr̄æ celſitudini Regię tenoꝝ præſ. intimamus, nos noſtram Cur̄ vobis inde hac vice remiſiſſe: ſaluo nobis aliàs iure dn̄ij n̄ri in caſu conſimili, ſi acciderit. In cuius rei teſtimoñ has l̄ras noſtras fieri fecimus patentes. Dat̄ apud Londoñ, die, anno &c. A

¶ Mes ſi le t̄ dalc̄ ſñr ſue tiel bꝛiefe de Droit en Court le Roy ſans tiel letc̄, & rec̄, il ſēble q̄ ceſt recoūy eſt bō, & le ſñr ne auoidet̄ t̄, ne le tenant. ¶ Aury ſēble deſtoier oue reaſon, q̄ ſi hōe tient dalc̄ ſñr, come de ſñrie en gros, q̄ nē alc̄ maſn, p q̄l ſñoꝛie il ne poit garder alc̄ Court, q̄ adonq̄s le t̄ deuet̄ ſuer tiel bꝛiefe cōe auant en Court le Roy, & q̄ le ſñr naūa acc̄, ou auc̄ means de adnuller ceſt acc̄, pur t̄ q̄ il nad aſcun Court de tener plē p t̄ ia, en le fine del bꝛe poyēt eſte ceux paroix, quia dn̄s remiſit Curiam ſuam. ¶ Mes ſi le t̄ voit ſuer vn bꝛiefe de Præc' in capite en Court le Roy pur tielx tres q̄ux ſont tenus dauc̄ ſñr, donq̄s le ſñr aūa vn bꝛe hoꝛs del Chanc̄ direct as Iuſtic̄ del cōmon bank, eux cōmaundāt, q̄ ſil ne puit appeac̄ a eux, q̄ les tres ſont ten' del Roy, mez dauter, q̄ adonq̄s ils ne ꝓcedet̄ ouſtc̄ &c. en ceſt plē, car per ceſt bꝛiefe le pl̄ ſuppoſe les tres eſte tenus del Roy, & pur t̄ il & ſes heires ſerra conclude vers le Roy pur le tenure, & t̄ ſerra p̄iudicial al ſñr de q̄ les tres ſont tenus, mes per iauc̄ bꝛiefe il ne ſuppoſe alc̄ tenure en le bꝛiefe, & pur ceo eſt graund diuerſitie, cōe ſemble, Tamen Quære. B

¶ Et ſi hōe ſue bꝛiefe de Droit direct al ſñr, de q̄ les tres ſont tenus, & il ne voil̄ tener ſon Court de ꝓceđ ſur ceſt bꝛiefe, donq̄s le dđant en le bꝛe de Droit aūa vn bꝛiefe direct al ſñr, ſup commaund̄ de tener ſon Court &c. Et ſil ne voil̄ receiū le bꝛiefe, ou ne voit faire dꝛoit a luy, il puit ſuer bꝛiefe a luy, commaund̄ luy de ceo faire, & ſur t̄ il puit ſuer Alias, & Pluries, & Attachment, & le fozme del bꝛief Dattachment eſt tiel. C

¶ Rex Vic' &c. Si A. fecerit &c. tunc pone &c. B. quod ſit &c. ad reſpondend' tam nobis quam præfato A. quare cum eidem D

eidem B. per bꝛe nr̃m de Recto ꝓcepim⁹, quod ſine dilatione plenum rectum teneret ꝓf. A. de vna meſuag. cum ꝑtiñ in N. quod T. ei deforceat, idem B. mandat nr̃m in hac parte parui pendens, breue nr̃m ꝓdict̃ in fauorem ꝓdict̃ T. malitioſè ſup. preſſit, *Vel ſic*, ꝓdict̃ bꝛe nr̃m recipere, & curiam ſuam tenere, & eidem A. in ꝓmiſſ. iuſtitiam facere recuſauit, in noſtri & mandati noſtri ꝓdict̃ contempt̃, & ipſius A. graue dampnũ, ac exhæredationis periculum manifeſtum, & habeas &c. Et ſur t̃, ſi le def. appeat̃, tu ſerra mis a reſpondr̃ &c. Mes ſi le ſñr del Court tient ſa Court, mes le ſñr ou les baylies ou offic̃ ne voile fait̃ a luy dꝛoit, ou luy delay dauer dꝛoit, ou de faire ꝓces &c. donqꝫ le dõt poit mõſtre al Vic̃ del County, coñt il eſt delay &c. & ꝓiet̃ al Vic̃ de agis tiel ꝓcept ou bꝛe, que eſt appell' Tolt, direct a ſes bailies de remouer le parol deuant luy en ſon coñ p ceſt ꝓcept, & ſur ceo le Vic̃ deuet̃ agardr̃ tiel ꝓcept a ſon bailie &c. de aler a ceſt Court le ſñr, & la de remouer ceſt matt̃ deuant le Vic̃ en ſon coñ, & le fozñ del ꝓcept eſt tiel. Robertus A. Vicecomes Norf. Edmũdo C. balliuo domini Regis Ducat̃ ſui Lancaſtr. de F. ſalutẽ. Quia ex querela Iohis B. ad Coñ meum, ſcilicet, die Lunæ ꝓxim̃ &c. anno regni &c. apud Norwic' en le Shire houſe tentum perſonaliter accedentis accepi, quod licet ipſe breue domini Regis de Recto patens ball' dicti domini Regis Ducat̃ ſui Lancaſt. de F. in dicto Coñ meo direct̃, de eo, quod ipſi plenum rectum tenerent dicto Iohi B. de mañ de F. cum pertiñ, quod Ioh. S. ei deforceat, detuliſſet I. P. & I. C. ball' dicti domini Regis Ducat̃ ꝓdict̃ de F. ꝓdict̃, tñ ꝑ eo quod dicti balliui fauent dictum I. S. in ea parte, & plenum rectum ſcd̃m exigentiam eiuſdem breuis hucuſque diſtuler̃ facer̃, tibi ex parte domini Regis præcipio firmiter iniungens, qđ in propria perſona tua accedas ad Curiã domini Regis Ducat̃ ſui ꝓdict̃ de F. & loquelam que eſt ibidẽ int̃ ꝓf. Ioh. B. & Ioh. S. per dictum breue in Coñ meo ꝓxim̃ tenend' tollas & ſummoneas per bonos ſum̃ prædict̃ Iohannẽ S. quod ſit ad Coñ meum Norf. s. die Lunæ proxim̃ futur̃ apud N. en le Shire houſe tenend', præfato Iohanni B. inde reſponſurus, & habeas ibi loquelam ꝓdict̃, ſum̃, & hoc præcept̃. Dat in Coñ meo apud N. en le Shire houſe die Lunæ ꝓximo &c. anno ſupradicto.

¶ Et p t̃ appiert, q̃ le dõt poit remoũ le matt̃ hoꝛs del Court del ſñr en le County. Et il ſemble reaſonable q̃ le t̃ puit auxy remouer ceſt matter per vn Tolt, fait per le Vic̃, ſuppoſ.

ſuppoſ. que les bailies del Court fauer̃ le dõt en r̃ matt̃ &c. Tamen quęre, car le rule en le Regiſter eſt, q̃ le r̃ poit remou̇ le plee hors del Court le ſr̃, deuant les Juſtic̃ en common banke p̃ bon cauſe, mes q̃ le dõt ne poit r̃ fait̃, pur r̃ q̃ il poit auſi vn Tolt del Vic̃ de remou̇ r̃ del Court le ſr̃ en le Cou̇tie. ¶ Et q̃n il eſt en le Cou̇tie, il poit remou̇ ceo p̃ Recordare deuant les Juſtices en le common banke, & p̃ ceſt rule il ſemble, que le r̃ ne poit remou̇ le plee per vn Tolt hors del Court le ſr̃ en le com̃, mes q̃ il conient remou̇ ceo en common bank p̃ Recordare &c. Et ceo p̃ bone cauſe monſtre en le brieue, & le bꝛief de Recordare eſt tiel. ¶ Rex Vic' &c. ſaluꝫ, Præcipimus tibi quòd aſſumptis tecũ quatuor diſcreꝯ & legal' Militibus de Comitat̃ tuo in ꝑpria perſona tua accedas ad Cur̃ A. de B. & in plena Cur̃ illa recordari fac' loquelam, quæ eſt in eadem Curia per breue noſtrum de Recto, inter W. petentem, & S. tenentem, de vno meſuag. cum ꝑtin' in B. & record' illud habeas coram Iuſticiar̃ noſtris apud Weſtm̃, in xv. ſanct̃ Mich. ſub ſigillo tuo, & ſigill' quatuor legalium hominum eiuſdem Cur̃ qui record' ill' interfuerunt, & partibus eundem diem pręſigas, quod tunc ſint ibi in loquela illa ꝑput iuſtum fuerit ꝑceſſur̃, & habeas ibi nomina p̃dict' quatuor hominum, & hoc breue. Teſte &c. Et en le fine del dit brieſe de Record', le cauſe del remouement ſer̃ mis eins, *Sic*, Quia meſuag. p̃dict' T. balliuo Cur̃ p̃dict', qui tenet placita eiuſdem Cur̃, tanquã conſanguineo & ꝓximo hæredi p̃dict̃ W. diſcendere deberet poſt mortem eiuſdem T. ſi idem W. ſine hæred' de ſe obijſſet, & idem W. illud verſus præfat̃ T. in Cur̃ predict̃ diſrationaſſet propter quod idem Balliuus fauet ipſum W. in loquela prædicta, vt dicitur, fiat executio iſtius breuis, ſi cauſa ſit vera, & prædict' S. hoc petat, & aliter non. ¶ Et ſont mults auters diuers cauſes miſes en le Regiſter de remou̇ ceſt plee, en le common banke al ſuit le tenant: Come ſi le Wait aſſume ſur luy de mainteiner le matt̃ dau̇ part del terre, ou ſi le r̃ alleage baſtardie, ou pleꝺ forreine plee, ou ioyn̄ le miſe per Graund Aſſ. &c. & quant le dõant ad remoue le parol per Tolt en le com̃, donqꝫ le dõant poit remouer ceo en banke per vn Pone, ſans aſcun cauſe expꝛ̃ſſe en le Pone, mes le r̃ ne poit ceo remou̇ ſans cauſe mis en le Pone. ¶ Et eſt vn rule, q̃ Recordare neſt done a remouer aſcun plee en brieſe de Droit, ſinon pur le r̃, mes Pone eſt done pur le dõant, mes ceo conient eſte hors del Court le Countie, & le forme del Pone pur le dõant eſt tiel.

¶Rex Vic' &c. ſaluꝫ. Pone ad petitiõ petent' corã Iuſtic' arijs noſtris apud Weſtm̃ in octauis ſanct. Triñ ꝓxim̃ futur', loquelã quę eſt in Com̃ tuo ꝑ breue noſtr' de Recto inter A. petent', & T. tenent', de vno meſuag. cũ ptin' in T. & ſum̃ per bonos ſumm̃ ꝓd̃ T. qd̃ tunc ſit ibi præf. A. inde reſponſur', & habeas ibi ſum̃, & hoc breue. ¶Et hic non dicat̃ & aliud breue, quia breue originale de Recto patens remanet penes petent', & non penes vic' &c. ſicut alia brenia original'.

D

¶Et ſi le t̃ voile remoũ le plee hors del County per Pone, il coutent monſtre cauſe en le briefe, & le briefe eſt tiel. ¶Rex Vic' &c. Pone corã Iuſtic' noſtris apud Weſtm̃ in xv. ſancte Trin' ꝓxim̃ futur', loquelã quæ eſt in Com̃ tuo &c. *vt ſupra*, & dic' ꝓf. A. qd̃ tunc ſit ibi loquelã ſuã verſus ꝓd̃ T. inde ꝓſecut', ſi voluerit, & habeas ibi hoc breue. Teſte &c. quia ꝓd' A. duxit in vxor' W. cõſanguineam Vic' &c. ꝓpter qd̃ idẽ Vic' fauet &c. fiat executio &c. *vt ſupra*.

E

¶Et en briefe de Droit en Court baron, ſi forein plee ſoit pleaꝺ, ou les miſes ioiñ deſt̃ trie p graũd Aſſiſe, ore ſi les Bailies voit ꝓceꝺ, la le pty t̃ poit aũ vn brief de Prohibition direct a luy, q̃ il inhibit̃ lez Bailies, q̃ ilz ne teigñ plee &c. ou q̃ il inhibit̃ le ſñr m̃, q̃ il ne teigñ plee &c. Et auxi tiel briefe ſerra direct al Mit̃ de inhibit̃ luy m̃, q̃ il ne teigñ plee en le coũty ſur le brief de Droit aps tiels plees pleaꝺ, & ſilz ꝓceꝺ, il poit ſuer Alias, & Plur̃, & Attachm̃t, &c. vers eux &c.

F

¶Et eſt aſſaũ, q̃ ſi le ſñr ou bailies ceſſ. de ꝓceꝺ en le plee p reaſõ de tiel brief de Prohibic', dõcz q̃nt le ſom̃ dez Iuſtic' en Eir̃ veigñ en le county p̃ touts plees: le dõt poit veſ en le Chanc̃ p le recorꝺ del briefe del Prohibic', q̃ iſſet̃ deuant del Chanc̃, q̃l brief eſt touts dits enroll' en le Chanc̃, & ſur t̃ il aũa brief direct al Mit̃ de ſum̃ 4. chlrs deſlier le graũd Aſſ. ſur briefe de Droit, que eſt en le Court le ſñr, ou en le countie, & le briefe de Magna aſſiſa eligenda ſerra tiel.

¶Rex Vic' &c. ſaluꝫ, Sum̃ p bonos ſumm̃ iiij. legales Milites de Com̃ tuo, qd' ſint corã Iuſtic' noſtris ad primã aſſ. cum in partes illas venerint, ad eligend' ſup̃ ſacram̃ ſuũ xij. de legal' Militibus de viſn' de N. qui melius ſciãt & velint dicere veritat̃, ad faciend' recogñ magnæ aſſiſ. noſtræ inter A. petent', & B. tenent', de vno meſuag. cum pertiñ in N. vt. de idem B. qui tenens eſt, poſuit ſe in magnam aſſiſ. noſtram, & petijt recognitionem fieri, vter eorũ maius ius habeat in meſuag. ꝓdict̃, & ſum̃ per bonos ſumm̃ ꝓdict̃ B. quod tunc ſit ibi auditurus illam electioñ, & habeas ibi nomina ꝓdict' Militum, &

hoc

hoc breue &c. ¶ Et qñt le plee est en bank, donqs cest brieue de Magna assis. eligend̄ isslera de cōmon bank, & est iudicial, mes en le case deuant, il isslet̄ hors del Chanc̄ & sans fine payer. Et si le dvant sue brieue de Prec' in capite en cōmon bank par terr̄ tenus dauñ sñr q̄ del Roy, donqs le sñr de q̄ les tres sont tenus, poit suer vn brieue as Justic̄ de cōmon banke rehearsl. com̄t le tre est tenus de luy, eux cōmaund̄ q̄ ils ne pced̄ ouster &c. Et come est dit auant, nul poit suer & maint̄ tiel brief de Droit patent, mes ceux q̄ ont estate de fee simple, come Tenant in fee simple, ou Abbe, ou Prior, ou Eueqs, ou Master del Hospital, & Corps corporate, come Maior & Cōminalty, ou Bailies & Cōmunitie &c. et tiels corps corporate poyēt suer tiel brieue p lour poss. mes Parsons, Vicars, ou Chanterie Priests, ou Prebēdaries, q̄r ofit sur eux Pron & Ordinarie, ne aues ne poiēt maint̄ cest brē de Droit patent, mes vn aut brē q̄ est appel Iuris vtrū, la nature de q̄l brē serr̄ expll̄e aps. Si hōe port brē de Dr̄t patent cōe heire a s aunc̄, il couiēt lie seisin & espleës, come pnancie des pfits del tre en s aunc̄. Et si Abbe, ou Eueqs, ou aut corps corporate port tiel brieue, il couiēt lier sñn del espleës, cōe en pnancie des pfits en eux mesmes, ou en lour pdecess. Et pur le residue de cest matt̄ touchant le brief de Droit, & le count & les barres, & tout le circumstance de ceo, Veies le title de Droit en les Abridgemēts.

¶ Et nota q̄ brieue de Droit, q̄ est appel Prec' in capite, nē brief de Dr̄t patēt, mes est brief de Dr̄t clos. & serra direct al Mr̄ del Coūty, & gist en cas ou t̄ le Roy, q̄ est seisie in fee simple de tres ten⁹ del Roy in chiefe cōe de sa coron̄ (& nēy du Roy cōe dast̄ honor, castle, ou manor, eins meremēt del Roy, cōe de sa corone, q̄ est vn sñr en gros, p t̄ q̄ est ten⁹ de luy, q̄ est toutz iours Roy) est defor̄ &c. Et cest brieue est cy hault en sa nature, cōe le brief de Dr̄ patent, & nul pson poit suer cest brief, sinō cēy q̄ auer̄ estate in fee simple de s poss. & seisin demesn̄, ou de seisin son aunc̄, ou pdecessor. Et gist aury ou t̄ en fee simple dascun tres ou tenemēts, q̄ tiēt tiels tres ou tenemēts de Roy in chief, cōe de sa coron̄, & nemy de Roy, cōe dast̄ honor, castle, ou man̄, pō les tres ou tenemēts p default en Pr̄ qd̄ redd̄, ore il ou s heirs puit suer cē brieue de Dr̄t de pcipe in capite vs le t̄ del franck̄ de ceux tres ou tenemēts, & cē brief serra close, & serra direct al vic̄, & serr̄ retornable en cōmon bank deuāt les Justic̄ la: & en cel brief il couiēt lier seisin en luy m̄, ou en s aūcestr̄, ou en s pdecessor en

for no Sal tenemēte ni fee hold mesne Lord & for wch not /

mesne of roy Close nota bene

tn hould of ye Kings Matie as of his Crowne in ye grose but ye Lords of ye Manor of wch they Honor or Castles are in seignorie vnder him.

en meſme le forme come il ſerra en briefe de Droit patent, & le forme del briefe eſt tiel.

I ¶Rex Vic' Noſ &c. Præc' A. quod iuſte &c. redd' B. vnum meſuag. cum ptin' in D. quod clam eſſe ius & hereditat ſua & tenere de nobis in capite, & vnde queritur, quod ꝑdict' A. ei iniuſtè defore' &c. Et niſi fec', & ꝑdict' B. fec' te ſecur de clam ſuo ꝓſequend', tunc ſum per bonos ſum ꝑdict' A. quod &c. *Vel ſic*, ſi Abbe, ou autre eſpiritual perſon ſue le briefe, Quod clam eſſe ius Eccleſiæ ſuæ ſanctæ Mariæ de N. & tenere de nobis in capite, & vnde queritur &c.

K ¶Et p ceſt briefe appiert pleinm̃t, q̃ fres q̃ux ſont tenus del Roy, cõe de honor, caſtle, ou del maſ̃, q̃ ils ne ſont tenus in capite del Roy, pur ceo q̃ le briefe de Droit en tiel cas ſert direct as Bailifes del honor, ou del caſtle, ou manor, &c. de faire droit &c. Mes qſit les fres ſont ten⁹ de Roy, come de Coron, ore ils ne ſont ten⁹ daſſ̃ maſ̃, honor, ou caſtle, mes mereм̃t del Roy, cõe Roy, & del Coron le Roy cõe del ſeign̄y luy m̃ en groſſe, & en chiefe, deſuis touts autres ſeignioritz. Et de ceo enſue, q̃ ſont mults erroꝛs & erronious opinions vſes a ceſt iour en ſuer des liueries, & trouer des offices, & del determinaſ̃ queux terres ſerra pris deſtre tenus del Roy in chiefe, & queux non. Et Ideo quære bien de ſcauer le veritie.

L ¶En Præc' in capite, le ten̄t ne pleid, q̃ les tenem̃ts ne ſont ten⁹ del Roy, com̃t q̃ le briefe ſ̃ ſupp̄, mes il couient p̄dict' ſ̃ p ptеſtation, & plede auſ̃ matt' en barre, ſil ad aſſ̃ matt' de

M pled̃. Et en briefe de Droit, il couient count de ſon ſeign̄ demeſn̄, ou del ſeign̄ ſon aunc̃, & ſil count del ſeign̄ ſon aunc̃, il poit alleag̃ cel ſeign̄ en temps le Roy R. le 1. mes le ſeign̄ neſt traũſable: Mes le ten̄t poit tendr̄ demy mark denqrer de ceſt ſeign̄ &c. & ſil ſoit troue oue le ten̄t, q̃ launceſſ̃ ne fuit ſeiſie, il dr̄t ſerra barr̃: Mes ſi le Roy ſoit party dr̄t, le tenant ne tẽdra demy mark denqrer del ſeign̄, mes couiẽt pleid en barr̃, & la le ten̄t nenpiera ſans aſſent des Sergeants le Roy. Et il ſemble reaſonable, ſi le ten̄t en Præcipe quod reddat p̄ p action trie, q̃ vncore il auera briefe de Droit.

N ¶Et iſſint ſi le dr̄t ſoit barr̃ en Aſſ. de Mord' pour luy, ou auſ̃ action real, cõe briefe de Entre ſur diſſ. &c. ou tiel briefe, & eſt barre per action trie, q̃ il auera vncore briefe de Droit patent de Præcipe in capite, ſi le terre ſoit tenus del Roy in chiefe. Et iſſint ſemble, ſi home perd̄ per default en briefe de Droit deuant miſe ioine, que vncore il auera briefe

de

de Droit vers cestuy q̃ recouera: Mes apres le mise ioine il est auter, car donq̃s sur default apres mise ioine, le iudgement serra final, cybien vers le dvant per son nonsuit, come vers le tenant, sil fait default apres.

¶Et home auera briefe de Droit patent de rent, cybien come de terre. 2

2 ¶Breue de Recto in London.

BRief de Droit patent en London, gist de fres ou teneñts la deins le City &c. p̃ cesty hõe q̃ claime estate de fé simple en les fres & teneñts, & nemy p̃ cestuy q̃ claime estate a tme de vie, ou en taile, ou en dower, ou p̃ le curtesie. Car si tenant en fé simple perd̃ ses fres en London p̃ default, ou p̃ verdict, il semble q̃ il auera briefe de Droit de ceux terres, direct al Mayor & Viconts, & serra en la nature cõe briefe de Droit patent, & le forme del briefe est tiel. B

¶Rex Maiori & Vicecom̃ Londõ̃ salut̃, Præcipim⁹ vobis, quod sine dilatione plenum rectum teneatis E. de N. de vno mesuag. & duobus shoppis cum pertiñ in London', quod clamat tenere de nobis per liberum seruic' &c. quæ W. ei deforceat, ne amplius inde clamorem audiamus pro defectu recti, Teste &c. & ne serra dit en cest briefe, Et nisi feceris, Vicecomes talis com̃ faciet &c. pur ceo q̃ le briefe est direct cybien al dits Mir del dit Citie, come al Mayor. Et le briefe de Droit patent q̃ serra direct al auc̃ Citie ou borough serr̃ de autiel forme cõe le br̃e auãt est, cõe appiert p̃ le Regist̃, *sic*, ¶Rex Maiori & Balliuis suis Oxon' salut̃, Præcipimus vobis, quod sine dilatione plenum rectum &c. E. de C. de viginti solidat̃ redditus, & pastur̃ ad sexdecim boues cum pertin' in N. quæ A. de B. ei deforceat &c. C

¶Et pur ceo q̃ les terres & tenements deins Cities & Borroughs sont tenus del Roy en Burgage tenure, il conuient q̃ le briefe de Droit patent serra direct as dits Mayors & Viconts, ou Bailifes, come bailies & officers le Roy, cõe si lez terres fueront tenus del Roy come de ascun honor, ou castle, ou manor. D

¶Et auxy sur briefe de Droit sue en Lond̃, le plé ne serra remoue p̃ Tolt, ou Pone, ou Recordare, come auter briefe de Droit patent sue en Court dauter seignior serra. Mes si le tenant en le briefe de Droit en London vouch forreine a garrantie, le dvant veigña en Chauncerie, et suer̃ Summ̃ E

ad

ad warrantizandum en banke deuant les Justic a certein iour &c. & aut briefe as Maior & Vic, de maund le rec deuant les Justic, & sim le iour &c. Et donqs le Maior Vic adiornēt les parties deuant les Justic de bank a cer iour, & auxy maund a m le iour le record, q est deuant eux deuant ms les Justic, & qst les Justic auer determin garrātie, ils remaund le record p brieue q isset hors del r des Justic direct al Maior & Vic, eux cōmaund daler uant en le plee en le dit Citie. Et ceo est done p lestatute Glouc, de Forinf. vocat ad warrant, cap. xij. Et issint ser fait si le ten pled forein plee, le plee serra remoue cōe au & quāt le matt del plee est determine, donqs serra remau al Maior & Vic &c. cōe auant &c. p equitie del statute.

F ¶ Et p ceo vie en le Register, chelt Præcipe qd reddat plee de terre, des terres ou tenemts en London serra dir al Maior & Vicont iointm: Mes chelt auter brieue ser direct as Viconts saleūt.

¶ Mes oye il est cōmon opinion, q si home ad title dem Formedon des tres ou tenemts en London, ou aut actio real, cōe brieue Dentre sur disseisin, ou aut brieue quecum del tres ou tenemts, q il deuer suer cest brieue de Droit p rent, direct al Maior & Vic de Lond, q ils tener droit &c. q le demaundant sur cest brieue serra son ptestation de suer ceo in nature de ql brieue q il voile, cōe hōe serra sur brieue de Droit close sue en auncient demesne. Mes il semble q le ley ne serra issint, car cest brieue est brieue de Droit patent, q est direct al Maior & Vic, cōe auters brieues direct al Citie ou Borough sont. Et ideo nay oye, q hōe serra ptestation a suer tiel brieue patent, en nature de ql brieue q voile. Mes la Citie de Londres per lour customes ou power de ten plee des terres deins le Citie p auter brie de Roy, eydien come p brieue de Droit patent, & ceo appiert per le Register.

G ¶ Et appiert, q London nest ancient demesn, car donqs le brieue de Droit q serra direct al Maior & Vic, serra clos & nemp patent. Et appiert p le Register, en le title de Iur vtrum, q Iuris vtrum fuit sue des tents en London, retor nable deuant Justices del common banke.

¶ Et auxy appiert en le Register, en title des brieues de Wast in fine tituli, que brieue de Partic' facienda fuit direc as Maior & Vic de Lond, de faire partic des tenemēts en London. Et auxy la ensuist vn brieue de Estrepement sur

& di-

& direct al vic̄ de Lond̄ sur brieue pend̄ de Iuris vtrum de-
nant Justices de bank, des tenements en London.

¶ Et appiert en le Regist̄, bre de Iustices de dower sue A
en Lond̄, pur terres en Lond̄, direct as Maioz & Aiz del
Citie &c. & special bre pur l'heire en tail pur fres en Lond̄
direct as Maioz & Aiz ls, sur deuise fait des fres a son ass-
cestoz en taile &c. Et autiel bre pur cestuy en rem̄ en taile,
& auxy pur cestuy en reuter. Et semblables bres sur deui-
ses faits en auters cities & bozoughes per aleuns persons
as auks &c. & ceux brieues appeā en Regist̄ apres le brieue
de Formedon en remainder, fol. 244.

¶ Et p ceux brieues appiert, q̄ brieue de Droit patent q̄
est direct as Maioz & Aiz de Lond̄ nest tiel brieue q̄ home B
declarer̄ sur r̄, en nature de q̄l bre q̄ il voile &c. cōe il serra
sur brieue de Droit close sue en aunc̄ demesn̄, mes q̄ il couie
suer en London son brieue en nature de tiel brieue come son
case luy done &c. Mes Quære veritatem de r̄ que tout vse
de auncient temps en London.

¶ Et appiert en le Regist̄, q̄ l' Roy aūra brieue deschet B
retoznable en bank le Roy pur terres en Lond̄ eschetes al
Roy, & p ñ le reason auter hōe auera aut̄ nature de brieue la
retozne en cōmon bank, mes le Roy ad vn progatiue en ceste
matter deuant auks, de suer en q̄l Court q̄ il voile, mes il
ne potte alter ne chāge la nature del brieue, auk̄nt q̄ la ley
doñ a luy & as auks, & ideo Quære de ceste matt̄.

¶ Et auxy est vn aut̄ suit q̄ gist en Citie ou bozough, p C
terres ou tenūts per vsage & custome del Citie, & ceo est per
bill sans aleun brieue hozs del Chauncery, & ceo est appel
vn Bill de Freshforce, ou Assise de Freshforce, & gist soleūt
ou home est disseisi de ses terres ou tenements en aleun ci-
tie ou bozough, ou defozce de aleun fres ou tenūts apres le
mozt son aunc̄, a q̄ il est heire, ou apres le mozt son tenant a
terme de vie, ou en taile, ou en dower, ou tiel semblable,
oze deins les xl. iours aps le title a luy accrue de cē bre, il
potte suer cest Bill de Freshforce, & serra son protestation de
suer r̄ en natur̄ de q̄l bre q̄ il voile, s Ass. de Mord', ou Assis.
de Nouel diss. ou brieue de Intrusion, ou de Formed', ou en
natur̄ dast aut̄ br̄, cōe s cas ceo donc, mes aps les xl. iours
passe apres le title a luy accrue, donqs couient suer s brieue
hozs del Chauncerie, direct as Maioz & Aiz de Lond̄ &c.
come le cast gist.

¶ Et auxy il appiert per launcient treatice de Natura D
breuium

breuium, q̄ si forein sue Assise, ou aut Pręcipe quod reddat des terres en London en common bank &c. q̄ les Maiors & Aiē &c. poient dōer conus. &c. Et per ceo semble q̄ sils ne demand conus. del plee, mes suffer le recouer de pass. en cōmon bank deuant les Justic̄, q̄ adonqz le recoury est bon & cōmon bank pur tres en Lond. ¶ Et quant Maiors & Baillifes dōer conus. del plee, & quant non, & quant ils ont surceasé lour temps, appiert en le title del Conusans en les Abridgements pluis alarge, & pur ceo beies la.

3. ¶ Breue de Recto de Dote.

E BRiefe de Recto de Dote est patent, & serra direct al heire a suer en le court heire, come appiert p Britton. Et lou le briefe est direct al heire le baron, & m̄ heire est t̄ del tre dont el demaund dower, donque si il ne voile assign̄ al feme dower, feme que est deist puit recouer ceo per vn Tolt en t̄ countie, & puit aury remouer ceo del com̄ en le cōmon bāk per vn Pone &c. sans aſ̄ cause mise en le briefe, come le demandant fra en briefe de Droit patent. Mes le t̄ en bře de Droit patent ne remouera le plee hors del coūty en t̄ cōmon bank sans mitter cause & le Pone, & le t̄ en briefe de Droit patent, ou en bře de Dr̄t de Dower poit remoue le parol en common bank per vn Recordar̄ hors del court le sr̄ sur vn cause mis en le bře: Et q̄ux causes sont suffic̄ & bons a remouer le pol hors del court le sr̄, ou del com̄, & q̄ux nēy, appiert en le Regist. Et pur ceo beies la les causes: Mes le dōt ne poit remouer le parol hors del court le heire per vn Pone, pur ceo q̄ il doyt remouer ceo pr̄imes p vn Tolt en t̄ com̄, & del com̄ il poit remouer t̄ en common banke per vn Pone, sans cause m̄re en le brief come auant est dit.

¶ Et en briefe de Droit patent, le plee puit estre remoue al suit le tenant per Recordare hors del court le seignr en le common bank deuant les Justices la. Et semble per m̄ le reason, que il puit estre remoue al suit le tenāt en briefe de Recto de dote hors de court heire en le common bank deuant les Justic̄ la per vn Recordare per bone cause, mes Quære.

F ¶ Et si le baron enfeffe estranger de touts les t̄rs & deuy, & son heire nad riens per discent, ore si le feme serra a suer briefe de Droit de Dower, semble que il suera sa briefe de Droit de Dower direct al meſm̄ le feffee &c. car apres len-

dowment, le fesse ſerra ſa ſeignioz, & el tiendza ceſt dowr̄ de luy per fealty. Mes deuant leſtatute de Quia emptores terrarum, ſi le baron enfeffe eſtranger de parcel de ſes tres &c. a teñ de luy, donqz la ſi le feme ſoit a ſuer bzieſe de Droit de Dower vs le feffee, t̄ bzieſe ſerra ſue en court iheire, & le bzieſe ſerra direct al heire pur le ſñioz q̄ teñ en luy.

¶ Et iſſint ſi baron doñ a ceſt tour pcel de ſon manoz en taile, a tener de luy & deuie, le fēe ſuera ſa bzieſe de Droit de Dower, en le court iheire le baron, vers le donee en taile, & le bē̄ ſerra direct al hē̄. Mes ſi le baron fait done en taile de tout la tre q̄ il ad & deuie, & le feñ eſt a ſuer bē̄ de Droit de Dower de ceo tre, la iheire le barō ne puit aū aſt̄ court, pur t̄ que il nad foꝛſqz ſñioꝛy en groſſe & pur t̄ il ſemble reaſon q̄ el aūa bzieſe de Droit de Dower vs le donee en taile, direct al bit̄, retoꝛnable en common bank, & il auera ceſt clauſe en t̄ bzieſe, Quia B. capitalis dominus feodi illius nobis inde remiſit curiam ſuam.

¶ Et iſſint ſi le baron fait leaſe de tout ſa terre a term de vie a vn eſtranger, & deuie, & la feme eſt a poꝛter bzieſe de Droit de Dower vs le leſſee a terme de vie, donqz il ſembl̄ reaſon, q̄ la feme aūa bzieſe de Droit de dower vs le leſſee a terme de vie en le cōmon bank, pur t̄ q̄ ceſty en le reuert̄ nad aſt̄ court. Et coment q̄ ceſt clauſe, ceſtaſt. Quia B. capitalis dñs &c. ſoit mis en t̄ bzieſe, ſi le ſeignioz nad aſcun court a tener, pur ceo q̄ il eſt ſeignioz en groſſe, & nemp aſcun demeſne terre a tener court &c donques coment que le ſeignioz ne vnques remit ſon court, & q̄ neſt aſt̄ matter apparant, ou demurr̄ en Chaunc̄ de puer le aſſent & volunt le ſeignioz de remitt̄ ſon court, vncoꝛe le bzieſe retoꝛñ en cōmon bank deuant les Juſtices la, eſt bon, & ils pꝛoceꝺ ſur ceo ſi le ſeignioz nad aſcun court a teñ plee ſur ceſt matter. Et ſemble q̄ le ſeignioz nauera action vers le demaundant pur le fait de ceo bzieſe en le common bank, ſi nad court de tener plee ſur ceo, & de faire dzoit al party. Mes ſi le ſñioz ad court de tener plee, donques il puit ſuer bzieſe de Prohibition as Juſtices de common bank, q̄ ils ne ꝓceꝺ ſur ceo plee &c. & auterment nient. Quære de ceſt matter.

¶ Et ceſt bzieſe de Droit de dower giſt, ou feme eſt endowe de parcel de ſa dower, & el vondza dē̄e le remnant vers meſme le tenant, & en cōe bille, donques el couient ſuer ceſt bzieſe de Droit de dower, car les poiꝛ de ant̄ bzieſe ne voit̄ ſeruer, s. vnde nihil habet, pur ceo que el ad receue

part

part de la dower, & pur ceo de necessitie il conient suer cest brieue de Droit de dower, pur recouer le residue, & le brieue serra direct al heire, ou a son Gardein, sil soit en garde &c. come brieue de Droit patent serra &c.

D ¶ Et si feme perd sa terre q̄ el tient en dower p̄ default en Præcipe quod reddat, vncore el auera brieue de Droit de Dower, per lopinion de ascuns. Mes il semble per lequitie de statute de West. 2. cap. 4. Si feme perd̄ per default terre que el ad en dower, que el auera Qđ ei deforc' de recou̇ cel per cest estatute, & deuant cest estatute el nauera remedie pur le recouerie del terre, sinon acc̄ de Disceit, si el ne fuit soñ en cest brieue de Droit de Dower:

E ¶ Et si feme ad dower, & perd̄ t̄ per assise, ou acc̄ trie, il semble que el nad remedie, sinon attaint, car il semble que el nauera remedie pur recouer p̄ brieue de Droit de Dower, p̄ ceo que el auer ceo vn foits assign̄ a luy come dower, & fuit en poss. de ceo, issint que cest title est executé, & issint el conuent suer acc̄ de son poss. demesne, si el soit deforce apres, Tamen quære. Et apres le plee remoue en cōmon bank, le proces est donqz Graund Caſ, & petit Cape, Et en le court le hē, le maner est de faire precept en nature de soñ, & de graund Cape, & petit Cape, & le brieue direct al heire est tiel,

G ¶ Rex A. salutem, præcipim⁹ tibi quod sine dilatione plenū rectum teneas B. que fuit vxor C. de tertia parte decem act terr̄ cum pertineñ in W. quam clamat tenere de te in dote, p̄ liberum seruic' tertie p̄tis vnius denarij p̄ annū p̄ omni seruic', quam C. ei deforceat &c.

H ¶ Et auxy feme poit auer brieue de Droit de Dower de medietate solonqz lusage en Gauelkind, lou el ad resē part, & est deforc̄ de part. Et auxy appiert p̄ l' Regiſter, q̄ la fēe p̄ vn brē de Droit de Dower, direct al heire mesm̄, lou il m̄ luy deforce de cel; & ceo del p̄ñts de vn office, & l' brieue est tiel.

K ¶ Rex A. salutem, Præcipimus tibi quod plenum rectum teneas A. & R. vxor̄ eius, de tertia parte exituum p̄uenient de custodia gaole Abbathie Westm̄, & de tertia parte trium rodarum terre, vnius rode prati, & redditus tot panum & tot lagenarum seruic' vel tot ferculotum per diem, vel per septimanam, vel per annum, cum pertineñ in vill' West. quas clamat p̄tinere ad liber̄ tenēntum suum, qđ de te tenet in dote ipsius R. in ead' vill', & tenere de te p̄ liber̄ seruic' inueniend̄ tibi tertiā p̄tē custod' p̄ custodia gaol' p̄dict̄, & porte eiusd̄ Abbathie, p̄ omni seruic', que tu ipse eis deforc' &c.

¶ Et

¶ Et per ceſt bꝛief appiert, q̄ feme auera bꝛiefe de Droit de Dower de ceſt choſe, q̄ eſt append ou appurt̄ a cē terre que el tient en dower ꝛc. ſi el ſoit deſtorce de ceo. A

4 ¶ Breue de Recto de Rationabili parte.

BRief de Recto de rationabili parte giſt touts ſoits enter pꝛiuies de ſank, come enter freres en Gauelkind, ou enter ſoers, ou auꝰ copceners, cōe neuewes & neces, & giſt par fres de fee ſimple: ſi cōe laū̄ leſſe les fres a terme de vie, et puis mozuſt, & ad iſſue ꝯ. files, & puis le tenaunt a terme de vie mozuſt, & lun file enter en tout le fre, & deſtoꝛ̄ ſa ſoer del fre, oꝛe ſa ſoer aū̄a cē bꝛief de Droit de Rationabili parte. Et iſſint ſi launc̄ fuit diſſeiſie del fre & deuie, et lū̄ ſoer enter en le fre, & deſtoꝛ̄ ſa ſoer del fre, oꝛe ſa ſoer q̄ eſt deſtoꝛ̄ aū̄a ceſt bꝛief vers lauter ſoer. Et iſſint deux ou tꝛ̄. ſoers poient ſuer ceſt bꝛief vꝰ le quart ſoer, ou launc̄, et la neece puit ſuer ceſt bꝛief vers ceſty ſoer q̄ luy deſtoꝛ̄ de ſa purpartie ꝛc. Et ceſt bꝛiefe giſt cibien ſur mozant ſeiſie del aunc̄ ſi lun ſoer enter en tout & deſtoꝛ̄ les auters ſoers, cōe lou le aū̄c̄ ne mozuſt ſeiſie, & cē bꝛiefe eſt bꝛief de Droit patent, & ſerc̄ direct al ſñr, de q̄ les terres ſont ten⁹ cōe auꝰ bꝛief de Droit patent ſerra, & ſerra remoue p Tolt, & auters bꝛiefs, cōe le cōmon bꝛief de Dꝛt ſerra. Mes Graund aſſiſe, ne Battaile, ne fra toine en cē bꝛief pur le pꝛiuitie de ſank, q̄ eſt enter eux: ne ceſt bꝛief ne fra ſue vꝰ eſtrang̃, & ſil ſoit il abatera. Et ſi launc̄ deuie ſeiſie, & lun ſoer enter en tout la fre, & deſtoꝛ̄ ſes ſoers, les auters ſoers poient ſuer ceſt bꝛiefe de Recto de Rationabili parte, ou le bꝛiefe de Nuper obijt, a lour election. Et iſſint eſt pur fres en Gauelkind, ſi lun frere enter en touts les terres, et deſtoꝛ̄ ſes freres, ils poient ſuer ceſt bꝛief de Recto de rationabili pte, ou le Nup obijt, ſi lanc̄ mozuſt ſeiſie: mez ſi lanc̄ ne mozuſt ſeiſie, donque ils couent ſuer ceſt bꝛief de Recto de rationabili parte. Mes vꝰ eſtrange ils couent ſuer Aſſiſe de Mortd̄ ſur mozant lour aunc̄, ou auc̄ bꝛief (come lour caſe giſt) del ſeiſin lour aunc̄, & le foꝛme del bꝛief de Recto de rationabili parte eſt tiel. B C D E F G

¶ Rex A.B. ſalutem. Præcipiñ tibi, qd̄ ſine dilatione plenum rectū̃ teneas W. de F. de decem acris terræ cum pertiñ in F. quam clamat eſſe rationabilem partem ſuam, q̄ eam contingit de libero tenemento quod fuit I. patris vel ma- H

tris,

tris, auunculi, vel amitæ, vel consanguinij sui, in ead' villa, & tenere de te p̄ liberum seruic' tertiæ partis, vel quart' partis vnius denarij per annum pro omni seruitio, quas B. & S. ei deforceant.

¶ Et per le Register, ẽ cẽ brief home doit veier, q̄l rent & seruic̃ tout la terre q̄ est partabl' ent̃ ses soers, rendr̃ et paier̃ al chiefe sr̃, & soiongz ceo mit̃ chesc̃ des heires a sa porcion. Ilsunt q̄ si vn soit-dñät, & ij. defor̃, *Tunc sic*: Quod clamat tenere de te per liberũ seruitium tertiæ p̄tis tanti p̄ annũ. Et si sont ij demandãts, & ij. defor̃, *Tunc sic*, Quod clamat tenere de te liber seruic' medietatis, *Vel*, duarũ p̄tiũ tanti p̄ ann̄ p̄ omni seruitio. Et si tout la tre soit ten⁹ p̄ iij. denters p̄ ann̄, & fealtie, & sont ij. dñants & ij. defor̃, donqz le brief put ẽc. Quod clam tenere de te p̄ liber seruic' duorũ denar̃ per ann̄ p̄ omni seruic' &c.

J ¶ Et si sont ij. soers, & apres le mort launc̃, fils ent̃ & occupier̃ en cõmon, come coparceners, & lun defor̃ lauf soer de occupier ẽ q̄ est append̃ ou appurt̃ al tenement, que ils one en coparcenarie: donqz cesty q̄ est defor̃ auera brefe de Recto de rationabili p̄te vers la soer, de ẽ que est enfeint append̃ ou appurt̃, & le breefe de ceo serra tiel. Quod clamat pertinere ad liberum tenementum suum q̄d de te tenet in eadem villa, & tenere debet de te per liber seruic' tanti p̄ omni seruic' q̄d W. &c. Et en cest brefe il ferc̃ son demaund de certaine porcion de terre, come a taunt q̄ sa porcion amount̃, dauer en seueraltie. Come si launc̃ deux seisie de xx. acres, & ad ij files, & lun enter en tout, & deforceat la soer: ore lauter soer demaundera per sa brefe les x. acres de les xx. acres: pur ceo q̄ ceo est sa parte. Et per cest brefe si el recouer, el auera iudgement de recouer x. acr̃ & alener en seueraltie, come sa part amount̃.

K

L

W ¶ Et cest brief de Recto de rationabili parte conient ẽ port vers touts les coparceners que teignt la tre, &c. & per touts ceux q̄ sont defor̃ del terre, come appiert p̄ Britton:

M et boucher & view ne gist en cest brefe pur cause del p̄rinitie del sanke mes en Rationabili parte le view fuit graunt H. 15. H. 2. pur ceo que launc̃ ne mort̃ seisie &c. ne nontenuit̃ nest plee en cest brefe per Britton̄ &c. Et le proces en cẽ brefe apres q̄ il est remove en common banke, est Sum̄, Grand̄ cape, & Petit cape, & en court le Sr̃ le man̄ est de faire proces & som̄ en natur̃ de Grãd̃ cape, & Petit cape &c.

O

P ¶ Et iheire lũ copar̃ puit suer cẽ brief de Recto de rationabili

onabili parte del ſeiſin le cõmon aunẽ, que fuit de ſeiſin ſon aunẽ en temps le Roy H. le primer, ou H le tierce, ou del ſeiſin en temps le Roy Io. ou dauũs roys puis cel temps ſil puit pũ ẽ, Come home aũa bꝛief de Droit patent del ſeiſin ſon aunẽ en tiel temps &c. Mes ſi vn coparceñ clam la terre p feffemẽt fait a luy per ſon aunẽ en fee, oꝛe ſi lauter Coparceñ luy deiozẽ de ſon fre, el puit aũ bꝛiere de Droit patent vs ſa ſoer put cẽ fue, & toind le mis &c. per graund aſſeu per bataile, pur ceo que el ne claim la fre come heire al aunẽ la, come ſemble, tñ quære.

A Claim ob Seiſin by fee-ſimple not by deſcent. Nota

¶ Et ſi hõe ad iſſue ñ. fils, & deuy ſeiſi del fre tail, & iuſtice ent en tout, & deiozẽ ſa ſoer la ſa ſoer aũa bꝛ de Formd vs ſa ſoer, & nemy Nu p obijt, ne eſt bꝛief de recto de rationab. parte, car cẽ bꝛief ꝓpemẽt pur fres de fee ſimple.

Bꝛief auncestor by ſeiſon of tenant by curteſy a dont of formdon (Note)

5 ¶ Breue de Ne iniuſte vexes.

C

BReue de Ne iniuſte vexes giſt en cas, ou ſñr a teñ ſont, & le f ad tenꝰ de ſ ſñr & ſes aunẽ p fealtie et xx s. d rent annuelmẽt, & oꝛe de tart le temps le ſñr ad hapẽ ſeiſin de graũd & plus rent del f per paymẽt del tñr de ſon bon gree ſans coherẽ del d ſtẽ, oꝛ ſi le ſñr vo le diſtrẽ le f pur ceſt ſurpluſage del rent, le f ne puit auoidẽ le Seignioꝛ en auowẽ pur le ſeiſin q̃ le ſñr ad eu per paiẽt le tenãt de ceſt rent de ſon bon grez mes le f puit ſuer ceſt bꝛief de Ne iniuſte vexes direct al ſñr. q̃i bꝛiefe eſt vn plaint en luy ñ al ſñr, que il ne diſtrẽ ſon f de tatre auters ſeruices que il de dꝛoit deuẽ faire, & cẽ bꝛief en ſa natur eſt bꝛeue de Droit, & ſerra patent, & ceſt clauſe, Et niſi feceris, vicecomes &c. ſerra mis en le bꝛiefe: & le pleas en cẽ bꝛief eſt Prohibic', & Attachmẽt, & Diſtrẽ. vers le ſñr, ſi diſtrẽ le tenaunt apres que le tenant ad ſue le bꝛiefe direct al Sñr, luy commaundõ que il ne diſtrẽ &c. Et cẽ bꝛiefe eſt fondue ſur leſtatute de Magñ charta cap. 10. q̃ voit, Qd̃ null' diſtring' ad faciend̃ maiꝰ ſeruic' de feodo Militis, nec de alio libero teñto, quã inde debetur. Et le fozme del bꝛiefe eſt tiel.

D

E

¶ Rex A. ſalutem. Præcipimus tibi Ne iniuſte vexes, vel vexari permittas B. de libero tenemento ſuo, qd̃ de te tenet in I. nec inde ab eo exigas, vel exigi permittas conſuetud̃ vel ſeruitia, que inde facere non debet, nec ſolet: & niſi feceris, vic' Lincoln̄ idem fieri faciat, ne amplius inde clamorem audiamus ꝓ defectu recti.

F

G ¶ Et cē bꝛief eſt touts iours dauñt, s. lou tenāt ad tenus
& les aunc̄ del ſñr & de les aunc̄ p fealtie & xx. s. ou auter
certain rent, & ſeruice. & oꝛe de tardiſe temps le ſeigñr ad
accroch pluſoꝛs auters ſeruices ou rēts en paiāt del teñt,
ou feſant des auters ſeruices que il ne deuer̄ faire al ſñr,
donqꝫ le tenāt poit ſuer ceſt bꝛiefe, car p̄ accrochm̄t de rent
p le ſñr per paiment del teñt &c. le tenant nauoidera ceo ē
auoūꝛie per le ſñr pur ceſt rent, q̄ eſt iſſint encroch. Mes
H ſi le ſñr encroch auꝛs ſeruices q̄ le tenāt ne deuer̄ de dꝛoit
faire a luy. come homage, ou eſcuage, donqꝫ le tenaunt poit
voider ceſt enchrochm̄t en auoūꝛy fait p le ſñr p̄ ceux ſer-
uices, pur ceo q̄ le tenant puit trauerſe le maner del tenure
en ceſt caſe, come adire q̄ il tient del ſñr per fealty & xx. s.
de rent ſolement, ſans ceo que il tient per homage, fealtie,
& rent, en le maner & fozme come le auoūꝛie eſt fait: ou le
puit ſuer ceſt bꝛiefe de Ne iniuſte vexes en ceſt caſe ſi
vogle &c. Et ſi le ſñr diſtr̄ le teñt apꝛes le pꝛohibition a luy
deliuer̄ de faire auters ſeruices, ou pur paier plus rent q̄ il
de dꝛoit deuer̄ faire: donqꝫ le tenant ſuera Attachm̄t vers
le ſñr, retoꝛnable en le cōmon banke, ou en banke le Roy.
Et quant le ſñr vient ſur lattachm̄t, donqꝫ le tenant count
vers luy en tiel maner.

¶ Ceo vous monſtre B. q̄ come il tient de lauantdit A.
&c. come de ſon manoꝛ de C. xx. acres de terre oue les ap-
purt̄ in W. per homage, fealtie, et pur les ſeruices del xx.
part dun fee de chiuer, & per les ſeruices de rend al auātdit
A. la moitie dñ liuer de pepper annualm̄t al feaſt de touts
Saints pur touts ſeruices, vncoꝛe lauantdit A ouſter
les ſeruices auantdits, vexe le dit B. & luy ſuffer deſt
vexe, et de luy demaund̄ & diſtr̄, et luy ſuffer dēe diſtr̄ pur
ix. s. de rent pur an, dont il eſt deteriozate, et ad dam̄ as
dammages de xx. li. Et iſſint nota, que il count de dam-
mages en cel bꝛiefe, & donqꝫ ſur cel count le Seignioꝛ qui
eſt defendant ferra ſon defence, & defendr̄ toꝛt & foꝛce &c.
& count vers le pl̄, dira q̄ il et ne toꝛciouſment demaunde
le dit rent de ix. s. ouſter auters ſeruices &c. car il dira que
le dit B. tient les auantdit xx. acres de terres &c. de luy
les dits &c. & q̄ lauantdit A. fuit ſeiſie ſibñ des dits rents
de ix. ſous, come de touts les auters ſeruices auantdits
per les maines lauantdit B. come per les maines de ſon
verie tenaunt, pur les dits xx. acres de terre oue les ap-
purtenances, come del fee et de dꝛoit en temps de peace, s.

en

en temps le roy Edward iadis roy Dengl &c. en preignant les esplées, &c. rents, &c. Et que tiel soit son droit il est prest de oiier per le corps &c.

¶ Et sur ceo q̄ est pl̄ en le Ne iniuste vexes, defendeñ ceste count, & de ceo mitter luy sur le graund̄ ass. & issint le mise serra ioine ent̄ eux en ceste briefe, q̄ est enprimes forsq̄ vn prohibition &c. & iudgemẽt finall serra done sur ceste briefe apres le mise ioine, sil passe encount̄ aucun des parties, ou si aucũ de eux soit nonsue, ou fait default aps le mise ioine. Et vide le forme del count, et del defence en ceste briefe ẽ le lieur des Entries des plees fol. 90. latere primo. A B

¶ Et appiert M. 18. E. 2. q̄ le tenañt ne auoit seisin del rẽt eẽ p̄ encrochmẽt de son fcoffor, ne que il nauera briefe de Ne iniuste vexes, ne hõe nauera briefe de Ne iniuste vexes vers le grantee del sñry, come appiert P. 10. E. 3. C

¶ Et T. 20. E. 3. appiert, q̄ t̄ en taile nauera Ne iniuste vexes &c. mes il pleð ceo, & mõst̄ le matt̄, & ne serra estoppe p̄ le payment & seisin eẽ per les mains son aunc̄, mes per seisin eẽe per ses mains demesne, il serra lie duc̄ s̄ temps en auowrie, come semble. Mes aps le mise ioine en briefe de Ne iniuste vexes sue, si les pties imple tanq̄ al aut̄ time & iour, & puis a cel terme al iour done le sñr q̄ est def. en le Ne iniuste vexes fait default, ore quel ꝓces serra agarð sur ceo, ou si iudg̃ serra done sur ceste default sans aucun proces faire, Quære. Et issint si le pl̄ al aut̄ time aps le mise ioint, & iour done &c. fait default, il semble q̄ il serra nonsue &c. D E

6 ¶ Briefe de Recto clauso.

BRiefe de Droit close est vn briefe q̄ est direct al sñr daunc̄ demesne, & gist pur ceux tenaunts deins aunc̄ demesne que teigne lour frees & tenemẽts p̄ chẽe en fee simple, ou en fee taile, ou a terme de vie, ou en dower, si aucũ de eux soit ouste de ses frees ou tenemẽts, ou diss. &c. il, ou son heire poit suer ceste briefe de Droit close, direct al sñr de auncient demẽ, luy commaundant de faire droit &c. en son court, & le forme del briefe est tiel. F

¶ Henricus dei gratia &c. Balliuis suis de I. saluc̄. Precipimus vobis, quod sine dilatione, & secundum consuetud̄ manerij nr̄i de I. plenum rectum teneatis A. de vno mesuagio cum pertiñ in I. quod B. ei defore', ne amplius inde clamorem audiamus, p̄ defectu recti. Teste &c. Et aut̄ briefe si: G

Rex Balliuis suis castri de Bamburg. salut &c. Præcipimus &c quod &c. secundum consuetud manerij castri de Bamburg plenū rectū teneatis de duobus ptibus piscariæ aquæ
H de I in Bamburg. quas B. ei deforc' &c. ¶ Et ie ozd de mitt les peels des m. ses, fre, vze, & pasture, & ferra observe et
I vse, coe ferē fait en oūe le Droit patent. ¶ Et ceſt bī port estre sue de cōmon de pasture, & pur estopp de vn chimin, ou
K de tiels semblables, & le bzefe put cōmon est tiel. Rex &c. Præcipimus tibi, quod plenū rectum teneas &c. de coīa pasturæ in I. q̄ pertinet ad vnū mesuag', et x, acr̄ tr̄æ, q̄ secund consuetud manerij pred' tenet in eadem villa, quas B. C. et D. ei deforc': & p̄ chimin estopp le bzefe est tiel.

L ¶ Rex Ball' Epi Couent̄ et Lich de maner de C. salutem, Questus est nobis R quod W iniuste & sine iudicio obstruxit quandā viam in D. q' est intra p̄cinctū eiusdē manēr ad nocumentū vnius mesuagij, quod idem R. secund consuetud manēr p̄d' ten in eadē vill': Et ideo vobis p̄cipimus, qd' vocatis coram vobis p̄tibus p̄edict', auditisq; hinc inde rationibus, eidem R. in p̄miss debitum & festinum iustitię complementum fieri faciatis, prout secundum consuetudinem manerij p̄dict' fuerit faciend &c.

M ¶ Et nota, q̄ les demēn terres del manoz, & le manoz mē que
N appel auncient demēn, est pledable al common ley, & home
O mer suer son acē pur le manoz, & pur les terres queux sont parcel del manoz al common ley, & en le cōmon banke: Mes si home voyle suer pur les terres queux sont tenus del manoz, & sont en les mains de le frankt tenant q̄ teign̄ del manoz, pur ceux terres il couēt suer cest bē de Droit close, direct al seignioz del manoz, & la il serra son prestation de suer en cest court mesm̄ le bē, en nature de q̄l bē q̄ il voile declarer, & le forme de entre, quant tiel bzefe est port en Court, est tiel:

P ¶ Ad hanc cur̄ venit R. N. per Nich. B. attornatum suum, p Literas patentes ipsius R. et liberauit p̄fatis Balliuis quoddam breue dñi Regis nunc clausum, eildem Ballius directum, in forma juris secundum consuetud manerij p̄d exequend, cuius tenor sequitur in hæc verba.

Henricus &c Ballius I. de S. salutem, Præcipimus vobis quod juste et sine dilatione, & secundum consuetudinem manerij de G. de S plenum rectū teneatis Robert̄ N de duobus mesuagijs &c. in W. et H q' P. & C. ei deforceant, ne amplius inde clamorem audiamus pro defectu recti &c. Et

super

ſuper hoc ꝓd̄ Robertus N. inuenit pleg' de ꝓſequendo bꝛe ſuum ꝓd̄, ſcz. T. et W. et proteſtatur ꝓſequi illud breue in eadē cur̄ in forma et natur̄ breuis Aſſiſæ noue diſſeiſiñ ad cōmunē legē, ſecundū conſuetud̄ manerij ꝓd̄, dicens quod ꝓd̄ P. & C. iniuſte et ſine iudicio diſſeiſiuerunt eum de liber̄ ten̄t' ſuo in W. et H viz. de ten̄tis præd̄ cū ꝑtiñ poſt primam &c Et pet̄ inde ꝓceſſū fieri ſcd̄m conſuet̄ man̄ ꝓd̄ &c. ideo ſcd̄m conſuetud̄ eiuſd̄ man̄, ꝓcepт̄ eſt T. H. ſubballiuo man̄ illi⁹, et miniſtro huius cur̄, qd̄ faceт̄ tenen̄ta illa reteniri de catallis q̄ in ipſo capta fuer̄, et ead' ten̄ta cū ꝑtiñ eſſe in pace vſq; ad ꝓxim̄ cur̄, corā ꝓfatis balliuis & ſectatoribus eiuſdē cur̄, viz. die Iouis proxim̄ futur̄ hic, s apud S. tenend̄, et interim faciat xij. liberos et legales homines de viſñ de W & H. præd̄ infra ꝓcinctum man̄ij ꝓdicti videre ten̄ta præd̄, & noīa eorum imbreuiari facere. Et qd' ſum̄ eos ꝑ bonos ſum̄, qd tunc ſint hic, ſcz. apud S. parati in le facere recognitionem: Et qd̄ ponat pet̄ vadios et ſaluos plegios ꝓdict̄ P T. vel balliuum ſuum, ſi ipſe inuentus non fuerit, quod tunc ſit hic apud S. ad audiendam illam recogn̄ &c. Et qd̄ tunc habeat ibidē noīa pleg. Sum̄, & dict̄ū ꝓceptum ſibi inde direct̄. Et idem dies datus eſt præf. R N &c. hic &c.

¶ Vide tout ceſt foꝛme de faire ꝓteſtation, en le liuer des Entries des plees fol. 115. ¶ Et donqꝫ al tour del ꝓzecept & ꝓzoces retoꝛne, le defendant deuerоit appeare, & plede en barre, ou al bꝛiefe, ou auter matter, en tiel foꝛme come il ferra en aſſiſe al common ley. Et ſi le ꝓzoteſtation ſoit fait en nature de auter bꝛiefe, donques le ꝓzecept ſerra fait accoꝛdant al nature del ꝓzoces, que eſt donc en tiel bꝛiefe. Et le tenaunt. quaunt il vient eins, pledeт̄ come il ferra en tiel bꝛiefe ſute vers luy al common ley, car le nature del ꝓzoteſtation alter & chaunge le manner del pledance pur le tenaunt.

¶ Et ſi faux iudgem̄t ſoit donc ẽ ceſt bꝛ̄, le partie tenant ou demaundant ꝓoꝛt ſuer bꝛiefe de Faux iudgem̄t ſur ceo: Mes ceſtuy que tient terre en auncient demeſn̄ per copie de court Roll' al volunt del Seignioꝛ, q̄ eſt appell' tenant de baſe tenure, ſil ſoit ouſte de ſes terres ou tenements la deins auncient demeſne, il nauera ceſt bꝛ̄e de Droit close, mes il conient ſuer per bill en court le ſeignioꝛ del manoꝛ, & ſerra ſon ꝓzoteſtation la de ſuer en nature de quel bꝛiefe que il voile &c. Mes ſi faux iudgement ſoit donc vers luy en ceſt court, il nauera bꝛiefe de faux iudgement ſur ceo al

A

B

common ley, nauter remedie, mes de suer al ſñr per voy de petit, come appiert H.14.H.4. car ceux q̃ teign̄ lour terres en base tenure en ancient demesne, ou p verge, teign̄ eux ẽ villenage, & ils naũa tiel brief de Droit close, ne bꝛe de Faux iudgem̄t &c. Et vide lestat de 1.R.2.ca 6. de ceo matter.

¶ Et cẽ terme q̃ est oze a cest iour appell Coptenãts, ou Coppholders, ou Tenants p Copie, est foꝛsqꝫ vn nouel terme troue, car dancient temps ils fuer̄ appelles tenants en Villenage, ou de bese tenure, & ceo appiert per les aunc̄ tenures, q̃ ceux ꝛs q̃ teign̄ p verge, ou en base tenure, ou p copy de court Roll', fuer̄ donqꝫ appellez & noſmes ꝛs queux teign̄ en Villenage: car tenants p copy de court Roll' ne sont specifies, ne noſmes la per tiel noiñ: Mes vnc̄ a cest tẽps fuer̄ tielx ꝛs, mes donq̃s ils fuer̄ appelles ꝛs ẽ Villenage, ou de Base tenure.

¶ Et q̃n le brief de Droit close biēt al ſñr, ou a sez bailies, le ſñr couient teñ son court, & de proceder sur ceo accozdãt al ley &c. Et si le ſñr ne voile teñ son court, donqꝫ le dd̃ant poit suer brief hoꝛs del Chaunc̄ direct al ſñr &c. luy commandãt de tener sa court &c. Et sil ne voile ẽ teñ, donqꝫ le dd̃ant poit suer vn Attach. ds le ſñr direct al vic̄, retoꝛn̄ en cõmon banke, ou banke le roy, & sur ceo le dd̃ant recoũa ses damages &c.

¶ Et si le brief de Dꝛt close soit direct as bail' &c. & ils ne voile teñ la court, donq̃s il poit suer tiel briefe as bail', eux cõmandant de teñ lour court: Et si ils ne voil', il poit suer Attach. ds eux, direct al vic̄, retoꝛnabl' cõe auant &c.

¶ Et si le ſñr meſme ouste s̃ tenant del terres, que sont tenus del manoꝛ p chꝛe en fee, le teñt q̃ est ouste auera cest briefe de Droit close, direct al ſñr m̃, sil voile &c. ou en cest case il poit auer Assise, ou auter briefe al common ley, vers le seignioꝛ pur ceux terres come semble. Mes appiert per rule en le Regiſter, que si le demaundant soit deferr̄ del iustice en la court le seignioꝛ, que adonques le demandãt poit suer vn brief direct al vicont, commaundant le vicont que il aler̄ al dit court dauncient demesne, & q̃ il prendza oue luy iiij. discreet chiualers, & en lour proper persons a veier la que dꝛoit soit fait al party demaundant en cest briefe. Et si le vic̄ refuse de ceo faire, il poit auer Alias & Plur̄ al vicont, et suer ceo Attachment vers le vicont en common bank, ou bank le roy. Mes il semble que cest briefe que serra issint sue deste direct al vicont, que il veier̄ que dꝛoit soit fait al

demaun-

demandant, est de petit effect: car per vtue de cẽ brief il ne poit cõpell le ſñr de faire drоit al dñant, come semble, Tamen quęre: car ſil ne poit cauſer le ſñr de faire drоit al demandãt en brief de Droit close, donqz ſerra en vaine ỏ ſuer tiel brief direct al vic̃, q̃ il aleẽ al court, & a veier q̃ drоit ſoit la fait. Et le dñãt poit ſuer tiel brief direct as bail', ou al ſñr meſme, eux commandant q̃ ils a luy face drоit &c. Et q̃ ils ne delaier le matter &c. Et ſur ceo Alias, & Pluſ, & Attach. vers eux, ſi meſtier ſoit &c.

¶ Et iſſint ſi pleé ſoit en le coñ, le dñãt poit ſuer tiel brẽ direct al vicont, que il procedẽ en le pleé, & al iudgement et de faire drоit, & ſur ceo il auera Alias & Pluſ, & Attach. vers le vic̃, ſil ne voile faire accordant &c. A

¶ Et nota, q̃ le dñãt en brief de Droit close ne poit remoũ le pleé hors del court le ſñr pur nul cauſe &c. ne le tenant ne remouer le pleé hors del court daunc̃ demeſn̄, ſinon p̄ ceux cauſes q̃ux proue le terre deſtre frank fee, & nemy auncient demeſne, & la forme del brieſe de Recordare de remouer le pleé hors de aunc̃ demeſne eſt tiel. B

¶ Rex vic' Lincoln̄ ſaluc̃. Præcipimus tibi quod aſſumptis tecum quatuor diſcretis & legalibus Militibus de coñ tuo, in propria perſona tua accedas ad cur̄ B. de C. & in plena curia illa recordar̄ facias loquelam quæ eſt in eadem cur̄, per paruum breue nr̄m de Recto, inter &c. de vno meſuagio cum ptiñ in I. & record illud habeas corã Iuſtic' nr̄is &c. Et ptibus &c. Et habeas ibi noĩa prędic̃ quatuor hominum, & hoc br̄e, & aliud breue &c. Quia prędt A. in placitand in cur̄ p̄d ꝓtulit cartam dñi Henr̄ quondã Regis Angliæ ꝓgenitoris ꝓaui nr̄i, p quã idẽ ꝓauus nr̄ feoffauit W. patrem p̄d A. (cuius hæres ipſe eſt) de meſuagio p̄d, vt dicitur, p qđ idẽ A. dicit ſe non debere nec poſſe ſine nobis rñdere. Fiat executio iſti⁹ br̄is, ſi cauſa ſit vera, & prædt A. hoc petat, et aliter non. Et eſt auter cauſe en le Regiſter, *ſic*: Quia clamat tenere tenem̃ta prędicta ad communem legem &c. Mes donques en le common bank quant le record eſt remoue, il couient la de monſtre aſcun eſpecial matter de ꝓuer les terres et tenements deſtre frank fee, et nemy auncient demeſne, autrement le pleé ſerra remaunde en court le ſeignior, mes de monſtre ſine icuie en court le roy de ceo terre, ou recouerie eſt de ceo en Court le Roy en Præcipe quod reddat &c. eſt bone cauſe de ꝓuer les terres frank fee: ou ſi il claiñ les terres per ꝓ feoffement, & charter le roy, ou per feoffe-

C

feoffement del charter del ſãr del mañ ꝛc. ou ſil claim̃ eux a tener del Roy come del auē manoꝛ, ou honoꝛ, ꝛc. & nemy de tener eux del dit manoꝛ: Ou ſil dit q̃ en Aſſiſe poꝛt auterfoits de meſmes les tenem̃ts al cõmon ley vs auē tenant, q̃ le tenãt dit, q̃ ils fuer aunciẽt demeſn̄, & il dit q̃ frank fee ꝛc. ſur q̃ iſſint trove p aſſiſe, que ils fuer frank fee ꝛc. Et auter cauſe appiert en le Regiſter, pur ẽ que ne ſont aſcũs lutoꝛs en la court le ſeñoꝛ dauñ demeſne de faire droit ꝛc. Mes Quære, ſi ceſt cauſe ſerra ſuffiſient ou non.

D Si un frankitenãt de ancient demeſne, q̃ tient p ſeruice de chiualry ſes tenemẽts ꝛc. en fee ꝛc ſoit ouſte, & diſſeiſe de ſes terres ou tenũts, il ſuera al common ley & nemy en auncient demeſne, car nuls terres ſont auncient demeſne foꝛſq̃ terres tenus en ſocage. Et home auera bille de freſhfoꝛce deins les xl. iours en court le ſeignioꝛ dauncient demeſn̄ pur ſes terres apꝛes le diſſeiſin, & ſans aſcun briefe ſuer ſur ceo, come home auera des terres en citie, ou bourgh, et la en ceſt caſe ſi le ẽ ad aſcun matter a pꝛouer les terres frank fee, il auera Recordare a remouer ceſt plee hoꝛs dauncient demeſne en common bank ꝛc.

E nota tm̄ & not ſaube aut autũt de ꝛ- ſaut foraqt tenus.

F Et coment que le plee en auncient demeſne ſoit la ſans briefe ꝛc. ſi le tenaut remoue le plee hoꝛs del auncient demeſne per Recordare, et per cauſe monſtr̄ en le briefe, ſi le cauſe ne ſoit bon, le tenant ne monſtra en common banke nouel cauſe a reteign̄ le plee en common bank: Mes ſi le cauſe en le briefe ſoit, Quia clamat tenere ad communem legem, donq̃s en cõmon banke il poit monſtre quel cauſe q̃ il voile, a reteign̄ le plee la, quel cauſe pꝛouer̄ les tenemẽts deſtre frank fee.

G Et en auncient deñ, ſi le dẽant et tenant eux mittõt e grauud aſſiſe, ou le tenant vouch foꝛeiner ou plede foꝛein plee, quel ne puit eſtre trie en le ſhiꝛy la, donques Superſed ſerra graunt hoꝛs del Chauncerie, direct al ſhioꝛ de auncient demeſne, ou a ſes bailies, ſi le briefe ſuit direct as bailies, q̃ ils ſurceſſ. ꝛc. Et le party def. ſurceſſer ſon briefe de garrantie de chre vers le vouch ꝛc.

H Et ſi le vicont remoue le recoꝛd̃ en court dauncient demeſne per Recordare en le common banke, & puis les bailes en le court dauncient deñ pꝛocedeꝛ̃ en le plee (nient obſtant ceſt remouement del recoꝛd̃) donq̃s le tenant poit ſuer Certiorari, direct as Juſtices del common banke, de certifier en le Chaunc̃ le teñ del recoꝛd̃, & de ceſt remouement

ment, & sur ceo certifie en le Chaunc, le tenant aũa briefe de Attachmẽt vers les Bail', que procedet en le plee, direct al viẽ de eux attacher, retorn en cõmon banke, de respõder al roy, & auxy al tenãt, q̃ fuer le Recordare. Mes en auncient demesne si le tenãt vouch forein a garrantie, donq̃z il coutet al tenant de suer son brẽ de Warr chartę, retorn en common bank vers le vouch. & sur cest brẽ sue, de purchaser vn Supersedeas direct al Bailles daunc demesne, eux commaundãt q̃ ils surcess. tanq̃z cest plee de Warr chartæ soyt determine en le cõmon bank. Et si les Baylies pced A
apres tiel brẽ sue, et direct a eux, le t q̃ suc le brẽ poyt auer briefe de Attachment vs eux direct al viẽ &c. que il eux attacher de respõdr en common bank a certein iour &c. tiels al roy, come al partie pur cest contempt &c. Mes si le plee de garr des charters soit discontinue en le common bank, donq̃s le demaundant en le briefe de Droit close, poit suer briefe hors del Chauncerie direct as Justices de cõmon bank, de certifier le roy en la Chauncerie, si le plee de garr' des charters soit pend ou discontinue, ou non, issint que si soit discontinue &c. ou determine, que il poit mand al bank de aunc demesne, que ils proced en le plee &c.

¶ Et si le tenant claime a tener les terres per seruice de B
chyualrie del seignior de auncient demesne &c. ceo est bone cause a remouer cest plee, pur ceo que mi terres q̃z sont tenus del manor, q̃ serra pris ancient demesne, ne serr' tenus per auters seruices del sñor, que per socage, car les tenants en auncient demesne sont appelles Sokemans, cestalẽ tenants del carue, Anglicè le Plough.

¶ Et pur ceo si le seignior del mañ de auncient demesne, C
auant lestatute de Quia emptores terrarũ, fist feoffement en fee de parcel des terres del manor, a tener de luy per seruice de chiualer, ore ceſtuy tenant nauera Monstraue- nota
runt, si soyt distrein pur auters seruic̃ que il deuer' faire, pur ceo q̃ ses terres ne sont auncient demesñ del roy ore, & vncore ils sont tenus del manor que est aunc demesne: Mes cest entend de tiels tenures, q̃z fueront les seruic̃ de soke, s. de plough, come de ayer les terres le seignior, ou de faucher prees del seignior, ou auters tiels seruices q̃ est a maint le sustenãce & viand le roy, & de ses subiects, & pur tiels seruic̃ fayre aueront tiels & tyels liberties a eux & priuiledge en la ley, q̃ ils poyent le pluis quietement vser lour gainage, & de faire lour seruices &c.

7 ¶Breue

7 ¶ Breue de Monſtrauerunt.

D BRiefe de Monſtrauerunt giſt pur les tenants dauncient demeſne, queux teign̄ per charter fraunchment, & nemy pur ceux tenants q̄ux teign̄ per Copie de Court Roll, ou per verge ſolonque le caſtome del manour, al volunt le ſeignior. Et ceux tenants couient eſtre tenants q̄ux teign̄ del manor, que fait en maines le Roy Saint Edward, ou en maines le Roy William le Conqueroūr, q̄ux manors ſont appelles les auncient demeſnes le roy, ou les auncient demeſnes de Coronę Dengleterę. Et a ceux tenaunts (q̄ux teign̄ de tiels manors) ſont mults & diuers liberties dones & grants p̄ la ley, cōe deſtre quite de tolle & paſſage, & tiels impoſitions, q̄ux homes demander̄ de eux pur lour biens & chateux, vendes ou achates en Faires ou Markets per eux, & deſtre quites de taxes & tallages graunts p̄ parliament, ſinon, q̄ le Roy taxe auncient demeſne, cōe a luy appertinent quant a luy ſemble bone pur graund cauſe. Et auxy tenants de auncient demeſne deuer̄ eſtre quite de payment as expences des Chiualers, q̄ux vener̄ al parliaments. Et auxy ils ne deuer̄ eſtre empanels ne mis en Juries & enquests en pais hors de lour mañ ou ſeigniorie dauncient demeſne, pur les terres que il teign̄ la, ſinon que ils ont auꝰ terres al cōmon ley, pur q̄ux ils deuer̄ōt eſtre charge &c. Et ſi tiels tenans, ou aſcū de eux q̄ux teign̄ del manor de auncięt demeſne, ſoient diſtrain̄ pur faire a lour ſeignior auꝰ ſeruices ou cuſtomes que ils ou lour auncęſters ont vſe de faire, don̄q̄s ils poięt ſuer cē briefe de Monſtrauerunt direct al ſeignior, luy commaund̄ q̄ il ne eux diſtr̄ de faire auters ſeruices ou cuſtomes que ils ont vſe, ou ils poient auer ceſt briefe de Monſtrauerunt direct al vic̄, et ceo eſt, ou le br̄e de Monſtrauerunt eſt primes mis al ſñior, q̄ il ne diſtr̄ les tenāts &c. ou ils ſur cē briefe ſue & direct al ſeignor, poient aū & ſuer auꝰ briefe al vic̄, reherceant q̄ lou il ad maund̄ p̄ briefe al ſñr de anc̄ demeſn̄, q̄ il ne diſtrain̄ ſes tenants &c. q̄ ſi le ſñr ne voile c̄ faire, & ſuffer les teñts deſtre en peace, q̄ adonques le vic̄ ferra & cauſera le ſñr de ſuffer les teñts deſtr̄ en peace, & q̄ il ne diſtr̄ eux pur auꝰ ſeruices, que ils de droit deuer̄ faire, & la forme del briefe direct al ſñr eſt tiel.

G ¶ Rex Abbati de C. ſalutem, Monſtrauerunt nobis hoīes tui de manerio de I. quod eſt de antiquo dominico Coronæ Angliæ, vt dicitur, quod tu exigis ab eis alias conſuetud̄,

et alia ſeruitia, quam facere debent, & anteceſſores ſui tenentes de eodem manerio facere conſueuerunt temporibus quibus manerium illud fuit in manib⁹ ꝓgenitorum noſtrorum quond̄ Reg. Ang. vel in manu noſtra. Et ideo tibi præcipimus, qd̄ à præf. hominibus non exigas, ſeu exigi permittas alias conſuet̄ & ſeruitia, quam facere debent, et anteceſſores ſui prædict̄ facere conſueuerunt temporibus prædict̄. Et niſi ad mandatum noſtrum hoc feceris, A. vicecom̄ noſtr̄ Linc' id fieri præcipimus. Teſte &c. ¶ **Et ſur ceſt bꝛiefe ils** M
potent ſuer auꝰ bꝛiefe de Monſtrauerunt, **direct al vic̄, que ſerra en tiel foꝛme.** ¶ Rex vic' Lincoln̄ &c. Monſtrauerunt nobis homines Abbatis de manerio de I. quod eſt de antiquo dñico Coronę Angl', vt dicitur, quod idem Abbas exigit ab eis alias conſuetud̄, et alia ſeruitia quam facere debent &c. *vſque ibi*, in manu noſtra, per quod eidem Abbati ꝓcipimus qd̄ à præf. hominibus non exigeret, vel exigi permitteret alias conſuetud̄, vel alia ſeruitia quam facere debēt, & anteceſſ. ſui præd̄ facere conſueuer̄ tempor̄ ꝑdict̄. Et ideo tibi pręcipimus, qd̄ niſi idem Abbas ad mandatum nr̄m hoc fecerit, tu id fieri fac', ne amplius inde clamorem audiamus pro defectu iuſtic' &c.

¶ Et il ſēble que per ceſt bꝛe direct al vic̄, le vicont poit B
charge le ſeignioꝛ, que il ne demaund̄, ne eux diſtr̄ pur auters ſeruices q̄ ils deuer̄ fair̄, & q̄ le vic̄ poit fair̄ reſiſtance & reſcous al ſñioꝛ, ſil voit diſtr̄ les tenants pur auꝰ ſeruices &c. Et que le vic̄ poit pꝛendr̄ poẅer del coũty de reſiſter le ſñr en tiel caſe, ou q̄ le vic̄ poit cōmandr̄ les vicines q̄ demur̄ la iuxt le mañ, que ils reſiſter̄ & ferē reſcous al ſñioꝛ ſil voille diſtr̄ ſes tenants &c. Et il ſemble q̄ ils potent iuſtifier ceo ꝓ commandemēt le vic̄ ſil ad tiel bꝛief maunde a luy &c. Et apꝛes le bꝛiefe direct al ſñr, ſil diſtrain̄ les tenants, les teñts donq̄s potent ſuer vn Attach **vs le ſñr, retoꝛn̄ en cōmon banke, ou en bank le roy, a reſpond̄ a eux pur ceſt contempt, & ils recouer̄ lour dam̄ ſur cē bꝛiefe ſil ſoit troue oue eux &c.** C

¶ Mes nota, **que bꝛiefe de** Monſtrauerunt **ſerra ſue per** D
touts les tenants ſans noſm̄ aſcun de eux en cē bꝛ ꝓ ꝓper noſme, mes generalm̄t, Monſtrauerunt nobis homines &c. **Mes en le bꝛief de** Attach. **ſue vers le ſeignioꝛ per les tenaunts, il couient noſmer les tenaunts per lour ꝓper noſmes,** *Sic.*

¶ Rex &c. ſi A. de B. C. de F. &c. homines Abb. M. de manerio

manerio de I. quod eſt de antiquo dñico Coronę Anglæ vt dicitur, fecerint &c tunc pone &c. prædictē Abbat̄, qđ ſit coram nobis &c vbicunq; &c oſtenſurus quare exigit à præfat̄ hominibus alias conſuetud̄, & alia ſeruitia quam facere debent & anteceſſ. ſui tenentes de eodē manerio facere conſueuer̄ temporibus quibus maneriū illud fuit in manibus ꝓgenitor̄ noſtror̄ quond' Reg. Ang. vel in manu noſtra ſi caſus ſic fuerit, contra ꝓhibitionē nr̄am. Et habeatis ibi nomina pleg' & hoc breue, Teſte &c.

E ¶ Et eſt auſ̄ briefe de Monſtrauerunt, lou les tenants de aſcū hamlet, q̄l hamlet eſt pcel de manoꝛ de aunc̄ demeine, ſont diſtr̄ per le ſñr ils auer̄ tiel briefe.

¶ Rex &c. Monſtrauer̄ nobis homines tui de hamleto de I. qđ eſt membrū manerij de B. qđ' eſt de antiquo dominico
F Coron̄ Angl' vt dicit &c. ¶ Et il ſēble q̄ en le bē de Attach, il doit, ou puit noſm̄ touts ceux ꝑs p lour ꝓper noſmes en cē briefe, q̄uc ſont diſtr' eꝑs le ꝓhibic̄ deliū al ſñr, & que il ne beſoign̄ a noſm̄ auꝛ tenants p lour ꝓper noſmes, meſque en le generaltie, & hoīes &c. Et ſi vn de cux q̄ux ſont noſmes p lour ꝓper noſmes ne voit̄ ſuer &c. il ſēble q̄ il ſerra
G ſeuer &c. Et q̄ lun nonſuit ne greuer' ſes cōpaignions. Et il ſēble q̄ chaſcū reconera ſes damꝰ ſeueralm̄t, pur ē que ils ſont diſtr' ſeueralm̄t, & lun poit eſtre plus en dam̄ que lauter
H &c. Et lun tenant puit ſuer cē briefe de Attach en ſon noſm̄ demeine p ſon ꝓper noſme, & en noſme des auēs teñts per generalx paroix &c & homines &c.

I ¶ Et ſi les tenants ſue briefe de Attachm̄t vers le ſñioꝛ, p ceo q̄ il eux diſtreiñ eꝑs le Monſtrauerunt a luy deliū &c. & pend̄ cē briefe de Attach vꝰ le ſñr, le ſñr eux diſtr' arer' p lour bñs, donq̄s les ꝑs auer' eſpeē briefe de Attach. vers le ſñr, reherē cē matt̄, & en ceo le briefe ſerra commande al viē a redeliuer a eux lour biens arer', ſi le ſñr ad eux ꝓis &c. Et cē briefe ſerra ſoleīt ſue en noſme de eux tenaunts que ſont auterfoits diſtr'pend̄ le ſuit, & nemp en l'noſme de touts &c come laut̄ briefe eſt ſue, & le briefe ſerra tiel.

¶ Rex vic' &c. Si A. & C. homines Abb. de C. de manerio de N. quod eſt de antiquo dominico &c. fec' &c. tunc pone &c. p̄d̄ Abbatem &c oſtenſur̄ quare cum nup ad ꝓſecutiō dict̄ hoīm nobis ſuggerent̄ p̄fat̄ Abbat̄ exegiſſe alias conſuetud̄ & alia ſeruitia, quam facere debent, & anteceſſ. ſui tenent̄ de eodē man̄ &c. *vſque ibi*, Reg. Ang. Tibi præceperimus, quod poneres ꝑ vad' & ſaluos pleg. prædict' Abbatem,

quod

quod eſſet coram nobis á die Paſchæ proximo præterito in quindecim dies vbicunq; &c. ad rñdenđ præfat hominib⁹ de ꝑmiſſ. idem Abbas (pendent coram nobis placito attachiament ꝑđ) predict' homines eo graui⁹ diſtrinxit, & omnia bona, catalla, ac aueria ſua in eodem manerio inuenta eis abſtulit, & ea eis adhuc detinet, quo minus ipſe placit attach. predđ pro paupertate ꝓſequi poſſint, in noſtri ac mandatorũ noſtrorum predict contemptum, & predđ hominum diſpendium non modicum, & proſecutionis iuris ſui retardac', et ſtatus ſui depreſſionem manifeſtam: & aueria bona, & catalla predđ eildẽ hominibus per ſufficientẽ ſecuritatem interim deliberari facias. Et habias ibi nomina pleg', & hoc breue, Teſte &c.

¶ Et en ceſt bꝛief de Monſtrauerunt, les p'laintifes en l' bꝛief de Attachmt ꝓient counter ſeuerał counts, a doñs recoũa damages ſeuꝛalment: Mes ils ꝓient counter vn count, ꝛ counter coment ils ſont ſeuerałmt diſtr &c. Et ne beſoigne de allegacion, ne lieu, lou le ſeigniez diſtr: et le ſoꝛme del count eſt tiel. ¶ A.B. ſum fuit ad reſpondendú C. D. & F. & hominibus predđ A. de manerio de S. quod eſt de antiquo dñico Coronę Angl' &c. de placito, quare exigit ab eis alias conſuetud & alia ſeruitia, quam facere debẽt, et eor anteceſſores tenẽtes de eodem manerio facere conſueuerũt tẽporibus quib⁹ maneriũ illud fuit in manibus progenitorũ &c. Regum Angl', ad graue damnum ipſorum C.D. & F. &c. Et vnde ijdẽ homines per T.S. attorn ſuum queruntur, qđ cum eorum anteceſſ. tenent de eodem manerio tempore quo manerium illud fuit in manibus dñi Henrici quondam Regis Angl', proaui eidem auo dñi Regis nunc, tenuiſſent tenta ſua ꝑ cerra ſeruic', s quilibet eorum tenet vnam virgat terr de eodem manẽr &c. ꝑ fidelitatẽ & ſeruic' quinq; ſolid, & faciendđ ſect ad cur dicti manẽr de S. bis in anno, viz. ad feſtum ſancti Mich. & ad feſtũ Paſchæ. Et ſi contigiſſet breue de Recto fuiſſe in eadẽ curia placitandđ, faciendđ ſect' in eadꝑ cur de tribus ſeptimanis in tres ſeptim &c. quamdiu breue illud pendens fuit in eadem cur, & quando dñs Rex burgos ſuos & dominica ſua talliauerit &c. ꝑ oĩbus ſeruitijs, & qui plus terræ tenuiſſent de predict manẽr, plus redditus redderent &c. Et ijdem tenentes hm̃odi ſtatũ continuaſſẽt, à tempore eiusđ Henr proaui &c. de Rege in Regem ꝓgenitorum &c. vſq; ad tẽpus ꝑđ dñi Regis Edwardi aui &c. qđ ꝑdict⁹ A. dominus manerij predicti diſtrixit ipſos C. D. & F. &

alios

alios homines &c. ad sectam faciend ad præfatam curiam de tribus septim in tres septimanas per totum annum &c. & taliando ipsos alto & basso pro voluntate sua, exigend ab eis pro filijs & filiabus suis maritand, & alia seruicia & consuetud villain, q facere non debent nec solebant, vnde dic' qd deteriorati sunt, & damnum habent ad valentiam C. li. & inde produc' sectam &c.

B ¶ Et sils recouer dam seuerallm̃t sur ceo ioint count est doubt, vnd semble reasonable q̃ils purront, pur ceo q̃ il est seueral en son nature, pur ꝛ̃ que ils count sur lour seueral tenures &c. & coment il ad cur distr seueralm̃t, et q̃ semble reasonable, q̃ lenquest enq̃r des dam seueralment sil pass. pur les ddants, ou q̃ seueral br̃es denquir des dams serront agard en c̃ cas, si l'matr soit adiudge oue les ddãts. Mes il semble q̃ nul tenants recouer dam, mesq̃ ceux que sont especialm̃t nosmes en le brief de Attach. sue sur le Mõstrauerunt &c. & nemy les auters homes.

C ¶ Mes nota, que le sr̃ dauncient demsne ne serra mis a respondr̃ al brief de Attach. sue vs luy sur le Monstrauerunt, deuant q̃ la court soit assert per le Treasurer & Chãberlaines del Eschequer, q̃ le manor soit auncient demesn, & pur ꝛ̃ il coment al plaintifes en le Monstrauerunt de suer especial brief as Treasurer & Chãberlains deschequer de certifier cest &c. & le brief est tiel.

¶ Rex Thesaur & Camerarijs suis salutem, Quia quibusd certis de causis certiorari volumus, vtrum manerium de Lin com̃ C. sit de antiquo dominico Coronæ Angliæ, necne, vobis mandamus qd scrutato libro nostro de Domesday, de eo quod inde inueneritis, nos sub sigillo nostro scaccarij nostri distincte & aperte sine dilatione redd certiores, remittentes nobis hoc breue, Teste &c.

D ¶ Et nota, que cest lieur que est appel Domesday, fuit fait en temps Saint Edward, & touts les tertes q̃ fueront en la seisin & en la main le dit Saint Edward al tẽps que le dit lieur fuit fait, sont ancient demesn, & les terres q̃ adonques fueront en auter maine, & sont nosmes en le dit lieur

E sont frank fee. Et ceux tenãts q̃ teigñ en base tenure, come per Copie de court roll, ou per verge, ne poient suer ne mainten̄ cest briefe vs le seignior &c. Et le mort lun pl̃ne abat le br̃e, ne le nonsuit lun come semble. Et si les frank

F tenãts & les tenãts de base tenure ioine en Monstrauerũt, vn̄ le briefe ne abata, mes pur les tenãts del base tenure.

¶ Breue

¶ Breue de Warrantia diei.

BRiefe de Warrantia diei gist en cas ou home ad iour en A
ast̄ act̄ sue vers luy de appeat̄ in ꝓper ꝑson, & le Roy a
cest iour ou deuant, luy maund̄ en s̄ seruice pur ascū cause,
issint q̄ il ne poit appeare en court al iour a luy done: dongz
il poit suer tiel briefe direct as Justic̄, reherse. ceste matt̄, cō-
maund̄ les Justices, q̄ ils ne luy mitt̄ en recozd en default
pur cē iour pur le cause reherse &c. Et si le cause soit voier
ou non, nest material, q̄t le Roy certifie q̄ il est en son ser-
uice: car il sēe per les paroix del briefe, q̄ le Roy p̄ son ꝓro-
rogatiue poit garranter ceste default pur vn iour. Et issint
semble, si t̄ en Præcipe qd̄ reddat al Graund cape, ou al Pe-
tit cape retozn̄, fait default, q̄ deuant iudgem̄t sur ceste def.
le Roy poit maund̄ tiel briefe as Justic̄ reherse. q̄ il fuit en
son seruice &c. cur commaund̄ q̄ son default ne luy ꝓiudic̄:
e il estoit onc reason, que le Roy poit ceo faire, pur ceo que
chesc̄ est tenus de serū le Roy pur son besoigne: Mes q̄l B
ꝓces le court serra, si le tenant ne voile appeare al iour del
default recozd̄, ne aꝑs q̄t t̄ briefe de Warrantia diei diēt as
Justices, semble que nouel sum̄ issera del common bank, de
sum̄ le tenāt de nouel, pur ceo q̄ son default a son retozn̄ est
excuse p̄ le briefe de Warr̄ diei: Mes si le briefe de Warran̄
diei ne excuse mes le default al Graund cape, dongz semble
que nouel Graund cape issuer̄ sur le ꝓmer default retozn̄ al
Sum̄ del Præcipe quod reddat: Quære de c̄. Et le Roy poit C
graunt̄ tielx briefes pur sau̅ ij. defaults faits a deux seueral
iours &c. Quære de ceux matters, pur ceo q̄ ils ne sont en
vse a cest iour, & le forme del briefe est tiel.

¶ Rex Iusticiar̄ suis de banco salutem: Sciatis qd̄ A. fuit D.
in seruitio nr̄o per ꝑceptū nostrum die Lunæ in crastin̄ xv.
Pasc. ꝓxim̄ ꝓterit̄, ita qd̄ eo die interesse non potuit loquel̄
quæ est coram vobis per breue nr̄m inter B. petēt̄, & p̄d̄ A.
tenentem, de vno mesuagio cum pertinen̄ in N. vnde idē A.
C. versus prædict̄ B. inde vocauit ad warr̄ vt dicit. Et ideo
vobis mandamus, qd̄ p̄d̄ A. propter absentiam suam ad illū
diem non ponatur in defectu, nec in aliquo sit ꝓdens, quia
diem illum quo ad hoc warrantizabimus. Teste &c. Et le
forme del briefe pur sauer ij. defaults est tiel.

¶ Rex &c. *vt supra.* Sciatis quod A. fuit in seruitio nr̄o per
ꝑceptum nostrum die Iouis in octauis S. Hill', & die Lunæ in
crastin̄ animarum ꝓxim̄ ꝓteritis, ita qd̄ diebus ill' interesse
non potuit loquel', quæ est coram vobis per breue nostrum

inter &c. Et ideo vobis mandam⁹, qd' prēd' A. ꝑter abſentiam ſuam ad dies illos non ponatur in defectu, quia dies illos quo ad hoc ei warrantizabimus. Teſte &c.

E ¶ Et ceux ij. briefes ne ſont grantes, ſinon p le Roy mſ, per le rule en le Regiſter, & le roy poit graunt tielx brēes direct al Maior & Vicounts de Lond̄, ou al Eueſq̄ de Durham, q̄ eſt county palatī, ou a⁹ Juſtic̄ de aſſ. ou en Eire, ou al Vicont: & ceux briefes poiēt eē graunt pur le dēt ou pl', cibien come pur le t', & donq̄ le briefe eſt tiel.

F ¶ Rex &c. Sciatis, quod A. fuit in ſeruic' noſtro die Lunę in craſtino quindeñ Paſc' proxim̄ prætērit, ita &c. inter ip̄m A. petentem, & B. tenentem &c. Et la ſerra dit in craſtin̄ quindeñ Paſchæ, pur ceo que les plees ne poient eſtre tenus en le quindena Paſchæ, pur ceo q̄ ceſt le dimeng. iour q̄ eſt Sabat̄ iour, & le Roy poit grant tiel briefe p teſtimonie de ſon Sñ, *Sit*, ¶ Rex &c. quia A. fuit coram Señ & Mariſchallo nr̄o, die Lun̄ in quindena ſancti Iohannis Baptiſt' ꝓximo preterit in diuerſ. inquiſit̄, quę coram eiſd' Seneſc. & Mariſc. prædict' die ſum̄ fuer̄ apud E. ſicut idem Señ noſter coram nobis teſtificatus eſt: Vobis mandam⁹ qd' præd' A. eo quod nō venit corā vobis in alijs inquiſ. q̄ corā vobis eod die ſummoñ fuer̄ non amerciemini, nec exit⁹, ſi in quos corā vobis ea occaſione inciderit, ꝓdere ꝑmittas. Teſte &c.

G ¶ Et ſēe per ceſt briefe, q̄ les Juſtic̄ coulent faire eſpecial entī de ceo &c. de ſauer les iſſues de ceſt iurour, & aury de faire eſpecial eſtreat de ceo matter, & diſt̄ nul iſſues ſur ceux iurours, pur q̄x tielx briefes bient as Juſtices.

H ¶ Et ſi hōe ſoy tar̄ eſſoiñ de ſeruic̄ le roy en alt̄ action &c. ou en fait il neſt en ſuit̄ le roy: donq̄ le plaintife ou dēt puit ſuer eſpecial briefe hors del Chanc̄, direct as Juſtic̄ reherſ. q̄ il neſt en ſeruice le roy, eux commandāt de ꝓcedr̄: Mes per leſtatut̄ de Glou', ſil ne poit ſon garr̄ al iour dont &c. il perd̄ xx. ſ. pur le iourſſ, & ouſter ſera en greue mercy le roy, & leſſoine diſallow. Et ſi le pl' purchaſe tiel briefe direct as Juſtic̄, reherſ. q̄ il neſt en ſeruic̄ le roy, donq̄ leſſoiñ ne ſerra adiozñ, mes ſerra quaſhe maint̄, & nauer̄ iour de adiozn̄m̄t de poz̄ ſon garrantie de garranter leſſoiñ.

9. ¶ Breue de Falſo iudicio.

I BRiefe de Faux iudgem̄t giſt, ou faux iudgem̄t eſt done en le Countie, ou en le Hund̄, ou en aut̄ Court baron, qui neſt

neſt Court de record, en plee real ou ꝑſonal, ſicome en briefe de Droit patent, ou en auꝰ plee ꝑſonal, la le party pl' ou def. q̃ eſt greue p le iudg. aũa ceſt briefe, & le briefe iſſera primes hors del Chancery. Et ſi le faux iudg. ſoit done en l' Coũty en le Court de Vic̃, donqs le briefe ſerra direct a m̃ le Vic̃, & le briefe ſerra tiel. A

¶Henric' &c. Vic' Linc' ſaluꝫ. Si A. fecerit &c. tunc in pleno Com̃ tuo recordꝫ fac' loquelã, quæ eſt in eodꝫ Com̃ p br̃e noſtr̃ de Recto int̃ A. petent̃ & B. tenent̃, de vno meſuag. & cent̃ acr̃ terre cum pertiñ in C. vnde idem A. queritur falſum ſibi factum fuiſſe iudic' in eodꝫ Com̃, & recordꝫ illud habeas coram Iuſtic' noſtr̃ apud Weſtm̃ tal' die ſub ſigillo tuo, & per quatuor legal' Milit̃ ciuſdem Com̃ ex illis qui recordꝫ illi interfuerunt, & ſum̃ per bonos ſum̃ p̃dict̃ B. qꝺ tunc ſit ibi auditurus record' illud. Et habeas ibi ſum̃, nomina quatuor militum, & hoc breue. B

¶ Et ſi le tenant ad alien la terr̃ aꝰs le iudgement done vers le dit, donqs les ſum̃ ſerra fait en le briefe vers ceſtuy q̃ eſt tenant del terre, & vers ceſty q̃ fuit tenant al tempz del iudgem̃t done p ceux parols, &. & ſum̃ per bonos ſum̃ p̃dict̃ B. & C. qui meſuag. & terram illam nunc tenent, quod tunc ſint ibi audituri &c. C

¶ Et ſi le faux iudg. ſoit done en auꝰ Court baron, q̃ en le Court le Vic̃, donqs le briefe de Faux iudgem̃t eſt apꝑ I vn brief de Accedas ad Curiã, & ſerra direct al Vic̃, & le ſorm̃ del brief eſt tiel. ¶Rex Vic' Linc' ſaluꝫ. Si A. fecerit te ſecurũ de clam̃ ſuo ꝓſequend', tunc aſſumptis tecũ quatuor diſcret̃ & legalibus Militibus de Com̃ tuo, in ꝓpria ꝑſon̄ tua acced' ad Curiã B. de C. & in plena Curia illa record' fac' loquelã, quæ fuit in eadẽ Curia p br̃e noſtrum de Recto inter A. petent̃ & B. tenent̃, de vno meſuag. &c. vnde A. queritur falſum ſibi factum fuiſſe iudicium in eaꝺ Curia, & record' &c. ſub ſigillo tuo, & p quatuor legales homines ciuſdẽ Curiæ, ex illis qui recordo illi interfuerunt, & ſum̃ &c. & habeas ibi nomina p̃dict̃ quatuor hominum, & hoc breue. D

¶ Et en ceſt briefe de Acced' ad Curiam, il p̃ndra one luy iiij. homes, mes ne beſoign̄ que ils ſoyent Chiualers, mes iſſint ne fra en lauter briefe de Record' fac' loquelam, q̃ eſt en le Countie, mes ambideux briefes ſerra retourne ſouth le ſeale le Vicont, & les ſeales de iiij. des Suitors de m̃ la Court. Et en le briefe de Faux iudgem̃t q̃ eſt Accedas ad Curiam, il eſt bone retorne par le Vicont adire, que puis E

le receit del briefe, & deuant le retorne de cel, nul Court fuit tenus, & auxy q̃ il auer require le Sñr de teñ la Court, & il ne voile, iſſint q̃ il ne poet execut̃ &c. et ſur ceo les Iuſtices agard̃ vn Diſt̃ direct al Viſ̃, a diſtreiner le Sñr de tener la
F Court, & Sicut al' &c. ¶ En Faux iudgemt vers Abbe, le pl̃ fuit nonſue, & le Abbe auer Scire fac' vers le pl̃, adire pur q̃ il nañ execut̃, & dauer le iudgemt execute, retorñ al xb. del Paſche, a q̃l iour le pl̃ appeare, & alligñ ſes errors, & tend̃ de troũ ſuertie de ſuer cũ effectu, & pria Scire fac' vs labbe, ad audiend' errores: Et opiñ Cur̃ fuit, q̃ il alligñ ſes errors vers labbe, ſans ſuer alcun Scire fac' vers luy, pur ceo q̃ ils ont iour per roll.

G ¶ Si le briefe de Faux iudgemt abat̃ p̃ default en le briefe, donqs le pl̃ nauer̃ Scire fac' ad audiend' errores ſur ceſt Record certifie, pur ce q̃ dient ſans original, q̃t original abat. Mes ſi le pl̃ deuie, lembt̃ q̃ ſi le faux iudgemt ſoit done en le baſe Court ſur briefe de Droit patent, q̃ adonqs s̃ heire auer̃ Scire fac' ad audiend' errores vers cẽy que rer̃ ſur ceſt Record q̃ eſt remoue en le common banke. Et ſi le pl̃ en le briefe de Faux iudgemt ſoit nonſue, ſi lauñ party ſuer execut̃ ſur ceſt Record iſſint remoue vers le pl̃ ſans ſuer Scir̃ fac', il eſt queſtion. Mes Hill' 23. H. 6. fuit opinion, que il auer̃ execution ſans ſuer Scire facias.

H ¶ Et tenant a volunt ſecund̃ conſuet̃ manij, q̃ eſt tenant per copie de Court Roll, nauera briefe de Faux iudgemt, ſur iudgemt done vers luy, mes ou faux iudgemt eſt dõe ſur bre de Iuſticies direct al Viſ̃, le partie grieue añ briefe de Faux iudgemt, & nemy briefe de Error, coñt q̃ le iudgement ſoit de det, ou de treſp̃, ouſt̃ le ſumme de xl. s.

¶ Et hõe nañ briefe de Faux iudgemt, mes en tiel Court lou ſont ſutors, car ſi ne ſont ſutors la, le record ne poit eſt̃ certifie ſinon p eux. Et ſur faux iudgemt dõe en Court deuant baillies, ou auks q̃ teignñ plee per preſcription de cheſt ſumme en det per bill deuant eux, il nauera briefe de Faux iudgemt, mes briefe Derror ſur cel: Quod vide M. 4. E. 4 en title de Treſpas.

I ¶ En faux iudgemt ſur bre de Droit patent, &c. ou ſur bre de Droit cloſe, le pl̃ ne alligñ ſes errors auant q̃ tout le rec̃ ſoit certifie, cy bien loriginal come le reſidue del record.

¶ Et le bre de Faux iudgemt giſt vers eſtrange al iudgement, ſil ſoit tenant del fre, ſans noſmer ceſty q̃ fuit tenant & party al iudgemt. Auter eſt en briefe Derror, car la contẽt

noſmer

noſmer ceſtuy q̄ fuit partie al indg. ſoit il t̄ ou non.

¶ Et iou le t̄ perd̄ p faux indg. ſon terre en briefe de Dr̄t A
en Court Baron, il naūa briefe de Faux iudgem̄t auāt q̄ le
dōt ad enter ſur iny &c. quod vide M.38.E.3.

¶ Et iou le def. en faux iudg. aps apparans per iuy fait, B
fait default, graūd diſtr̄ iſſera vers iuy, & ſil face auter ſoits
default, ou vient & ne puit ſauer ſon default, le pl̄ en le brief
de Faux iudgem̄t aūa iudgem̄t de r̄t̄ ſeiſin del t̄re vs iuy,
quod vide M.13.E.2. & le brief de Faux iudgem̄t dōc en aunc̄
demeſne eſt tiel. ¶ Rex Vic' ſalut. Si A. fecerit &c. accedas ad C
Cur̄ B. &c. & recordari fac' loquelam, que eſt in eadem Cur̄
p paruum breue noſtrum de Recto inter A. petentem &c. &
habeas ibi nomina p̄dict̄ quatuor hominum, hoc breue, & a-
liud breue &c. ¶ Et en briefe de Droit cloſe, ſi le briefe le D
dōt ſoit abate, ſur q̄ il poit ſon briefe de Faux iudgem̄t en le
cōmō bank, & la le iudg. eſt refuſe, & le brief agardō bone, dōc̄
il tener̄ ple en cōmon bank, & briefe iudicial iſſera hors del
cōmon bank, en nature de p̄teſtat̄ fait en le p̄im̄ briefe. Et
ſi le p̄teſtat̄ fait en nat̄ dañ. de Mortdaunc', les Juſtic̄ fer̄
briel al Vicont de ſum̄ les Jurors de ven̄ hors daunc̄ dem̄-
cies, & tout la mat̄ ſerra trie & determine en le cōmō bank.
Et com̄t q̄ le iudg. ſoit done del t̄re en cōmon bank, uncore
la terre ſerra auncient demeſne come il fuit deuant, qd̄ vide
M.2.E.3. en title de Faux iudgem̄t.

¶ Et ſur le briefe de Faux iudgem̄t, q̄ eſt vn Accedas ad E
Curiam, ſi le Vic̄ retorn̄ q̄ le briefe Adeo tarde ven̄, qd̄ exe-
cutionem eiuſdem facere non potuit, donc̄ il auera Sicut a-
lias, direct a m̄ le Vicont: & ſil ne returne cel al iour, donq̄s
il aue vn plur̄ direct a meſm̄ le Vicont. Et ſemble q̄ il poit
aū cenr briefes de Alias & Pluries hors del common banke,
ou le p̄imer briefe fuit retorn̄ tarde ſil voil', ou il poit auer
eux hors del Chancerie &c. Vide de ceſt matter in libro In-
tration, fol. 114. & 115. Et ſur le Accedas ad Curiam, ſi le
Vicont retorne que il ale al dit Court de &c. et la p̄ier le
Seignior de tener ſon Court, que il poit faire execution de
ceſt briefe, & q̄ le Seignior refuſe de tener ſon Court &c. per
que il ne poit faire execution de ceo briefe &c. donques iſ-
ſera vn briefe de Diſtr̄ hors del common banke a diſtr̄ le
Seignior direct al Vicont, iſſint que il diſtr̄ luy a tener ſon
Court a certeine iour a luy limit per le Vicont, & quod
vicec' aſſumpt̄ ſecum quatuor diſcretis militibus &c. de Co-
mitat̄ &c. accedat ad Curiam &c. Et Scire fac' hic in xv.

Paschæ &c. & record' illud tunc habeat &c. & qd' sum̃ pd' I. qd' sit ibi auditurus record' illud &c. Quod vide Lib. Intrac' fol 117.

F ¶ Est vn autr̃ brieue de Faux iudgemt, quant est en le com̃ vn pleint de det ou trespas sans alc̃ bre, donqs le bre de Faux iudgemt en le com̃ serr̃ tiels: Recordar' fac' loquelã quæ fuit in cadé Curia sine brī nr̃o, int̃ &c. de quadã transgi &c. vnde idē A. querit' falsum sibi fact̃ fuisse iudic' &c. Et lou faux iudgem̃t est done en aut̃ Court q̃ le com̃ sur pleint, ou sur brieue, donques le brieue serra tiel.

¶ Rex Vic' salut̃, Si A. fecerit &c. tunc accedas ad Hundr̃ A. de B. vel ad Curiã A. de C. & in pleno Hund' vel Curia recordari fac' loquelã, quæ est in codé Hund' vel Curia, p bre nostrũ, vel sine breui nostro, de eo qđ idem A. tenet ꝓfat̃ B. conventionem inter eos factam de vno mesuagio cum pertiñ in F. vnde queritur &c.

G ¶ Et si le baron & feme sont sue en Court baron p bre de Droit &c. & la feme est resceu la p̃ default la baron, & la pleid, & faux iudg. est donc vers luy, et & si baron aueront bre de Faux iudgem̃t, come appiert per le Regist̃er.

H ¶ Et est aut̃ brieue la, ou le baron & feme pr̃ict̃ dēe resceu en Court baron en brieue de Droit sur default le t̃ a ẽme de vie, & ne fuer̃ resceu, & pur faux iudg. done vers le t̃ a terme de vie, ils aueront brieue de Faux iudgem̃t &c.

¶ Et est vn aut̃ brief de Faux iudgem̃t en le Regist̃er pur cẽp en le reuersion, q̃ pric dessre resceu en Court baron en brief de Droit sur def. de ij. tenants a terme de vie, lou il fuit resceu p̃ le reũsion dũ des tenantz, & le receit fuit counterpl p̃ le reũsion de lauter tenant, & iudgm̃t done &c. & la appiert q̃ lun tenant fuit tenant de t̃re cel del fre, & lauf tenant fuit tenant dauter parcel del terre.

I ¶ Et est auf brief de Faux iudg. p̃ cestp q̃ ad iudgm̃t dam̃ vers luy en Court dum sñr q̃ ad power de teñ plees deuant ses bailies p Chart̃ le Roy. Mes il semble en cest case, il auera brieue de Error, & nemp brieue de Faux iudgem̃t.

K ¶ Est vn aut̃ bre de Faux iudgem̃t direct as Alcont, &. Accedas ad Curiam: Ad Curiam nostram de Winchester, & in plena Curia illa record' fac' loquelam, quæ fuit in eadem Curia sine breui nostro, secundum consuetudinem Ciuitatis prædict̃, inter W. petentem, & D. tenentem, de vno mesuagio in Winch. prædict̃, vnde idem W. &c. queritur falsum sibi factum fuisse iudiciũ &c. Mes sur Assise de Fresh force,

L brieue de Faux iudgement ne gist, mes brieue de Error. Et

ſi

si bzief de Faux iudgemt soit retozñ deuant Justic de com-
mon bank, & le def. vient & dit & auerr̃ q̃ le recozd est autre q̃
il est certifie, lauerrem̃t serra resceu, & cest issue serra trie p
le pais, s. per ceux q̃rx fuer̃ pzesents en le Court q̃n le
recozd le fist, & per autres de pais, & sils ne vient &c. soit
lenquest pzise per le pais: vt patet per statutum anno primo
Ed.3.cap.5.

10 ¶ Breue de Executione Iudicij.

BRiefe de Executione Iudicij gist lou iudgem̃t est done en Court dase̅ Sñr sur bziefe de Droit patent, ou sur plee de det ou trñs en m̃ le Court, ou en Hundzed, ou Com̃, ou aut̃ Court baron, ou en aleun aut̃ Court de recozd, & si le Vic̃, ou le Bail', ne voil' faire execution del iudgem̃t, donqz le party a?a cest bziefe, direct al Vic̃, ou al Bailies, en quel Court lexecution serra fait, & sils ne voil' faire execution, il auera Alias, & Plur̃, oue cest clause en le bziefe de Pluries, vel causam nobis significes, quare &c. Et sils ne font execution sur cest bziefe, ou ne retozñ reasonable cause pur q̃ ils delay lexecution, donqz le party a?a Attachm̃t vers cestuy q̃ ser-roit lexecution, retozñ en bank le Roy, ou en le cõmõ bank. Et si le plee soit en Court baron dase̅ seignioz, donques le bñe de Executione Iudicij serr̃ direct al bail' de m̃ le Court. Mes si le plee & le iudgem̃t soit done en Court le Vic̃, cõe en le County, donqz le bziefe serra direct al Vic̃ m̃ de faire execution, & le Alias, & Pluries serra direct a m̃ le Vic̃. Et sil ne voille fair̃ execution del indgem̃t, donqz le Attachm̃t serra direct as Cozoners vers le Vic̃, retozn̄ vt supra, & respond̃ &c. Et issint si le bziefe de Executione Iudicij soit direct al Bailies dascun Court dascun Sñr, ou al Bail' de Hundzed de faire execution, & sils ne voil' riens faire al Alias, ne al Plur̃, donqz le Attachm̃t serra direct al Vicont, vers les Bailies, retoznabl' vt supra, & resp̃ &c. Et si le iudg. soit dõe en Court de recozd, donqz il semble, que le bziefe de Execu-tione Iudicij serra direct al Justices del Court, ou le iudg-ment fuit done, de faire execution, & nemy al minister del Court: car si le minister de Court ne voille faire execution del bziefes a luy direct, ou ne retozñ eux come il deuoit, les Judges del dit Court luy amercier̃ &c. Et le fozme del bziefe est tiel.

¶ Henr̃ &c. Lancastr̃ salut̃, Preciꝑ tibi, qd̃ executiõ iudicij nuper

C 4

nuper redditi in com̃,de loquela quæ fuit in eodem com̃ per breue noſtrum de Recto,inter A. petentem, et B. tenentem, de vno meſuagio cum pertiñ in I. ſine dilatione fieri fac' &c. Teſte &c.

11 ¶ Briefe Derror.

D BBriefe Derror giſt ꝓperm̃t lou faux iudgem̃t eſt done en aſcun court que eſt court de record,cõe en le cõmon bãk, ou en Lond̃,ou auk̃ citie, ou en auk̃ lieu, lou ils ont power de tener plee per chark̃ le roy, ou per preſcripc̃, de cheſcun ſumme en det ou treſpas ouſtr̃ le ſumme de xl.s. Et ſi faux iudgem̃t ſoit done en Lond̃, ou auter lieu, que eſt court de record, le partie greeue aũa bẽe Derror, & ceſt briefe poit eſtre retorñ en le cõmon banke,ou le banke le roy, al pleaſure del partie que voit ſuer cel. Et quant le record eſt remoue p bẽe Derror en cõmon bank, ou bank le roy,donque le pl' conient daſſigner ſes errors, auant que il aũa Scire fac' vers le def.ad audiend' errores. Et ſil aſſigne diuers choſes pur errors, q̃ ſemble al court, que ceux ne ſont errors, il nauera Scire fac' ſur ceſt aſſignement. Mes apres error aſſign, & Scire fac' agard̃ vs le def. ſur cel aſſignm̃t, il ne aſſigñ error en fait, come adire q̃ le plaint̃ fuit mort al temps del iudgemẽt, ou deuant le iudgem̃t &c. Mes il aſſigñ tants des errors come appeꝛ en le record, & ne ſerr̃ dit double aſſignement. Mes il ne aſſigñ forſqs vn error en fait pur error, pur cauſe que cẽ error en fait ſerra trie p pais, & les errors en le record ſerra trie per les Juſtices. Et ſur briefe Derror ſue, le record m̃ ſerra remoue, & nemy tranſcript del record, car ſur tranſcript de record home ne aſſigñ error, ſil ne ſoit ſur bẽe Derror ſue ſur tranſcript de fine, la il aſſigñ ſes errors ſur le tranſcript del note del fine. Et ſi les Juſtic̃ penſe, que ceo eſt error, donques ils maundẽ pur le note del fine,& ceo reuerſeront.

¶ En briefe Derror q̃n le record vient en court, ſi le pl tout ceſt terme ne aſſigñ ſes errors, & com̃t q̃ il aſſigñ ſes errors, ſil ne ſue Scire fac' ad audiend' errores vs le def.ret̃ m̃ le t̃me, ou ret̃ le terme ꝓcheine enſuant : tout le matter eſt diſcontinue. Et il conient en le ꝓcheine term̃ ſuer nouel bẽ Derror hors del chaunc̃, ſur ceſt record, direct a les Juſtic̃,deuant queux le reẽ eſt remoue, a ꝓceeder ſur ceſt record,que coram vobis reſidet.

¶ Le forme daſſigner error, eſt de mitter eins bill en le court,& dire in le bill, in hoc erratum eſt &c. & monſtre in certaine

certeine en q̃ur choſes: & in hoc erratum eſt, & nõe en cert vn aut choſe: & ſic de ſingulis, en q̃ur il voit aſſign̄ les erroꝛs. Mes adire in oĩbus erratũ eſt, neſt bon, pur ceo q̃ il ne mẽe aſcun certeintie. Et en bꝛiefe Derror, il couient aſſign̄ A les erroꝛs en ꝓper perſon, & nemy p attorney, lou il eſt en execuc̃ per force del Judg̃. Et en bꝛiefe Derror ſur Judg̃ B done en cõmon bank, le pl̃ ne poit aſſign̄ pur erroꝛ, que les Juſtic̃ del cõmon bank ne done cel iudgemẽt: Mes que les Clerks de lour teſt demeſne. Ne il ne poit aſſign̄ pur erroꝛ, q̃ lez Juroꝛs done verdict pur le def. & q̃ lez Juſtices enter c̃ pur le pl̃, & done iudgemẽt pur luy, pur ceo q̃ ceſt aſſign̄ eſt contrary a ceo q̃ le Court fait cõe Judges ꝛc. ¶ Et ſi home C ſoit vouche, & enter en le gar̃ & perd̃, il poit añ bꝛe Derror, & aſſign̄ ſes erroꝛs q̃ auient enter le dv̈ant & le tenant, ou enr̃ le dv̈ant & le vouchee. Et iſſint ceſty en reũſion, q̃ pꝛie deſtre reſceu pur default del r̃ a terme de vie, ou pur s̃ teint pleḋ, ſil ſoit reſceu & pleḋ, & perde, il auera bꝛiefe Derror, & aſſignera ſerroꝛ q̃ auient enr̃ le dv̈ant & le tenant, ou enter le dv̈ant & ceſty que pꝛia deſtre reſceu. Et ſi tenant a terme de vie perḋ per default, ceſty en le reuerſiõ añ bꝛe Derror, coment que il ne fuit reſceu, ne pꝛia deſtre reſceu, & aſſign̄ pur erroꝛ ceſt matter que fuit enter le dv̈ant & le tenant, que perḋ per default.

¶ Home aſſign̄ erroꝛ en ley, en caſe ſic cõe le baron & feme D leuer̃ fine del tꝛe le feme a vn eſtrange, la feme eſteant deinz age, ils aueront bꝛiefe Derror, durant le nonage la feme, & aſſigne r̃ pur erroꝛ, & ceſt erroꝛ en ley del Court. Et iſſit en bꝛiefe Dentre ſur diſſeiſin, ſi le oꝛiginal bꝛief fault ceux poꝛ E en le bꝛiefe, Quam clamat eſſet ius & hæreditat̃ ſuam, ſi le r̃ admit le bꝛe, & plede al action, & perḋ, il ne aſſign̄ ceſt default en le bꝛiefe pur erroꝛ, pur c̃ que il admit le bꝛiefe bone per ſon pleé. Et iſſint in bꝛiefe de Detinue des charters concernants cert̃ terr̃, ſi le pl̃ en le count ne declar̃ le certeinty del terre ꝛc. en le count, ſi le def. admit le count bon, & plead al action & perde p iudgemẽt, en bꝛiefe Derror ſue p luy, il ne aſſign̄ ceſt def. en le count pur erroꝛ, pur ceo q̃ il ad admit ceo pur bon per ſon pleé, Tamen Quære.

¶ Et hõe ne aſſign̄ pur erroꝛ ceſt choſe q̃ eſt a ſon auan- F tage, come adire, & aſſign̄ pur erroꝛ q̃ il m̃ pꝛiſt tour, & que le tour fuit done plus longemẽt que le common tour, et iſſint il ne aſſign̄ pur erroꝛ, q̃ il fuit eſſoine, lou il ne deuoyt eſtre eſſoine, ou auer ayd a luy graunt, lou il ne deuer̃ auer

auer aide, pur ceo que ceux choses sont a son advantage &c.

G ¶ Si faux iudgemẽt soit done deuãt les Justic̃ Leuesqz de Durham en le county palantin la, le ptie greeue assia bꝛe d Error la deuãt Leuesqz melm̃, M. 14. E. 3. Et sil doñ faux iudgꝫ, dõesqz bꝛe Derror lerõ sue en cõmõ bãk, ou bãk le Roy.

H ¶ Et si faux iudgemẽt soit done p̃ le Roy en alc̃ action ou suit, le party greeue assia bꝛiefe Derror, & assignñ les errorꝛ sans suer ascun Scire fac' vers le Roy ad audiend' errores, pur ceo q̃ le Roy est touts dits ꝑsent en court, & cest le cãe q̃ le forme dentre de suits pur le Roy est tiel.

¶ Christopherꝰ Hales Attorñ dñi Regis, qui pro dño Rege sequitur &c. veñ hic in cur &c. & non dic', Dñs Rex p C.H. attorñ suũ veñ hic in cur̃, pur ceo que le Roy est touts dits

I ꝑsent en la court. ¶ Errꝛ fait en bãk le Roy sur le ꝑces ou est default des Clerks, lerõ reuerse en m̃ le bank p bꝛief Derror sue la deuant m̃s les Justic̃ p le ptie: Mes nemy sans suer bꝛe Derror, comt̃ q̃ il soit m̃ le terme. Mes en cõmon bank apꝛs iudgꝫ done m̃ le term̃, les Justic̃ potent reuerse lour iudgꝫ demesñ sur errꝛ en le ꝑces, ou en default des Clarks, sans alc̃ bꝛe Derror suer: Mes en aut terme le ptie coulent suer bꝛief Derror sur ceo, retornable en bank le Roy. Mes derrꝛ en ley, que est default de les Justices, mesm̃ le court ne poit reuerse. cest iudgmẽt p bꝛiefe Derror, ne ouesqz bꝛe Derror, mes cest errꝛ coulent estre redꝛesse en auter court deuant auts Justic̃ per le bꝛief Derror.

K ¶ Et cesty q̃ confesse lacc̃ le dõt, assia bꝛe Derror de reuers. cõ iudgmẽt encontre s cõfession sur erronious iudgmẽt.

L ¶ En plee de fr̃ dõs le r, & le tenãt deuie, cesty q̃ est hꝛe al tenãt a cest terre, aura le bꝛiefe Derror, & nemy cestuy que est hꝛe a luy p la cõmon ley: Come en Borough English, si le f perde le fre p erronioꝰ iudgmẽt, le puisne fits suera le

M bꝛiefe Derror. ¶ Et issint cesty q̃ est heire al especial taile assia le bꝛe Derror, si le fre soit perde p iudgemẽt erronious, le tenant poit aũ bꝛief Derror, & le vouchee aul bꝛief Derror sur vn m̃ iudgment: Et issint le tenant, & le tenãt p resceit, & tout a vn tẽps pẽdant. ¶ Et executor ou administr̃ assia bꝛe Derror sur iudgemẽt done vers lour testatoꝛ pur det ou damage. Et issint le heire assia bꝛe Derror de reuers. vil-

N gaũ de felony, pronounce vers son pere pur restorer luy al pluntie del sank, enter son pere & luy. Et si home pleõ plee en ascun action, & les Justices ne voil' ceo allower, et le ptie fait bill sur ceo, & pria que les Justices voil' enseler

cest

ceſt bill de ſon acceptance, ou pl', & ſils ſont accord come eſt conten⁹ en leſtatute de Weſt.2.cap.3. le pty greeue aũa briefe Derror, & poit aſſign̄ error ſur ceo bill iſſint enſeale, & auxy en le record, ou en lun de eux a ſon pleaſure: Mes ceſt bill comẽt eſtre enſeale p les Juſtic̄ auant le iudgem̄t done per eux, & nemy apres, come appiert Añ 1.H.4.

A Le ſucceſſor dũ Abbe, Prior, ou Parſon, ou tiels corps encorporates auera briefe Derror dun iudgem̄t done vers lour p̄deceſſor, de touts choſes q̄ touche le ſucceſſion, ou corporation. Mes ſi home recou vers Parſon ou Eueſq; det, ou dam̄, p iudgem̄t, ou action ꝑſonal, lour execuṫs aũa briefe Derror ſur cel iudgem̄t, & nemy lour ſucceſſors, pur ẽ q̄ ceo matter ne touche le corporation &c. nota

B On home ſuc execuc̄ erroniouſmẽt vers le recogniſor ſur vn recogniſance, le feoffe del recogniſor aũa briefe Derror. Si hõe purchaſe Chẽe de Pardon de vtlarie, vncore il aũa briefe Derror de reſeiser lutlar̄, H.18.E.3. Mes ſi home diſclaim̄ en briefe de Præc' q̄d redd̄ de fre, p q̄ le dõt recou, le tenant naũa briefe Derror enconter ſon diſclaim̄: Mes ſi pled̄ nontenure, & trouc verz luy, p q̄ le dõt rec̄, le tenãt aũa briefe Derror, H.6.E.3. Hõe condempn̄ ne aſſignera error en le pces, mes en le briefe original il poit.

C Jl neſt error de ſuffer vn de fait̄ attorny en vn action, en quel il ne deuer̄ faire attorny.

D Sur faux iudgm̄t done en le cõmon bank en Jreland, le briefe Derror comẽt eſtr̄ ſue le, & retorn̄ en bank le Roy en Jrelãd. Mes ſur iudgem̄t done en bank le Roy en Jrelãd, le briefe Derror ſerra ſue & retorn̄ en bank le Roy en Engt.

E Quant le record vient en Court p briefe Derror, le pl' aſſign̄ ſes errors, & auera Scire fac' auant q̄ le record ſerra enter, car ne ſerra enter tanqz les parties ont lour p Scire facias. Et le pces en ceſt briefe eſt Alias, & Pluř, & ſur ceo vn Attachm̄t ſerra agard̄ vers le Judge q̄ doit retorn̄ le record, a q̄ le briefe fuit direct. Et le Pluř poit eſtre retorn̄ en bank le Roy, ou le Chaunc̄, ſi le Pluř iſſiſt as Juſtices de cõmon bank de remouer le record. Et ſi le briefe iſſiſt a vn auť baſe Court, le Pluries poit eſtre retorne en le Chancerie, ou en ceſt le Court ou le briefe Derror fuit fait retornable. Et ſil ſoit retorn̄ en le Chancery oue le record, le Chancelor poit mitť le record en common bank p les mains demeſn̄, ſans aſcun briefe de Mittimus mis a cel, & ceo cybien ſicome il aũa mis vn briefe de Mittimus oue le record.

F Error

H NOta, que si aſcun erronious indgement ſoit done en les Courts deuãt lez Aiconts en Lond̃, oze le party greeue auera bziefe de Error hozs del Chancerie direct as Aiſ̃, de faire bener ceſt recozd deuant le Maioz & Aldermen en les Huſtings de Lond̃, le q̃l Huſtings eſt vn Court tenus deuant le Maioz &c. Et la le recozd̃ ſerra examine, & ſi erroz y ſoit, ils reuerſ. le recozd̃ la y les cuſtomes de meſm̃ le Citie: Et ſi les Aiſ̃ apzes que le recozd̃ eſt remoue deuãt le Maioz &c. en les Huſtings, boil̃ agard execut̃ ſur ceo recozd̃ vers le partie, donq̃ le partie vers q̃ executiõ eſt illim agard, aũa eſpecial bziefe hozs del Chancery, direct as Aiconts, q̃ ils pzend̃ ſufficient ſuertie del party de ſatiſfier le Roy, & auxy le partie de ceo q̃ a eux apperteigñ, ſi le indgement ſoit affirme, & q̃ ils ſurceſſ. de faire execution, & ſils ont pziſe la partie &c. q̃ ils luy face deliuer̃ hozs del pziſõ &c. Et le fozme del bziefe eſt tiel.

I ¶ Rex Maiori & Vic' Londoñ ſaluꝫ. Ex parte R. &c. nobis eſt oſtenſum, quod cum ſecundũ conſuetud' in Ciuitate prędicta, in caſu quando aliquis, ſiue querens ſiue defendẽs queritur, quod in loquela quę fuerat in Curia noſtra coram Vic' Ciuitatis p̃dict̃, errores aliqui interueñ, & record' & proceſſ. loquelarum illarum cauſa erroris interuenientis venire facerent in Huſtingo Ciuitatis prædict̃, ad errores illos corrigendos, Vicecom' Ciuitatis illius executionẽ prioris iudicij coram eis reddit̃ faciend' ſuperſed' debeant pendentibus in Huſtingo recordis & proceſſibus loquelarũ illarũ indiſcuſſarum. Ac nos nuper ad proſecutionem præf. R. ſuggerentis errorem in recordo & ꝓceſſu loquelæ, quæ fuit coram vobis præfat̃ Vic' in Curia noſtra Ciuitatis prędict' per breue noſtrum, inter A. & prædictũ R. de eo quod idem R. &c. interueniſſe manifeſtum. Vobis prędcepimus, quod recordum & proceſſum eiuſdem coram vobis in Huſtingo p̃dict̃ venire faceretis ad errorem, ſi quis fuerit, corrigend', vos nihilominus Vicecom̃ (pendente in Huſtingo prædict' dicta loquela de Errore indiſcuſſa) executionem prioris iudicij fieri faciti minus iuſte, in ipſius R. diſpendium non modicum & grauamen: Vobis igitur præcipimus, quod ſi ita ſit, quod idem R. inuenerit vobis ſufficientem ſecur̃ de ſatisfac' tam nobis de eo quod ad nos in hac parte pertinet, quam præfat A. de arreragijs & dampnis ſibi in hac parte adiudicatis, ſi contigerit primum iudicium affirmari, & ad faciendum vlterius & recipiend' quod Curia noſtra conſiderauerit in hac

hac ꝑte, tunc execuc' prioris iudicij faciendo ſuperſedeatis pendente in Huſtingo ꝓdict̄ loquela de errore ſupradict̄. Et ſi idem R. occaſione iudicij illius captus ſit, & in priſona noſtra detẽtus, tũc ipſũ R. à priſona illa, ſi occaſion̄ ꝓdict̄ & non alia detineatur in eadẽ, ꝑ ſecuritat̄ ꝓdict̄ interim deliberar̄ faciatis, vt dict̄ loq̄la ſuam de errore ꝓſequi poſſit. Teſte &c.

¶ Et appiert ꝑ ꝛ briefe, q̄ hõe aũa act̄ vs alr̄ perſon en Lond ꝑ briefe oꝛigiñ hoꝛs del Chancerie, direct as Vir̄ de Lond, ꝛ q̄ ils tenẽt plee ſur ꝛ. Et hõe aũa ſẽe briefe de Error ſur iudgemẽt done in Lond deuãt les vir̄ ꝑ plaint ſue la deuãt eux ſãs alr̄ bꝛe oꝛig. lue &c Et le bꝛe Derror ſerr̄ direct al Maioꝛ ꝛ auxy as Vir̄, comãt q̄ l' iudgemẽt ſoit dõe en le court des vir̄ deuant eux, a remoũ cẽ recoꝛd ẽ les huſtinges deuant eux a reũ ſ. la, ſi &c. Et le foꝛm del bꝛe ſerra tiel.

¶ Rex Mãiori & Vic' Lond' ſalutem &c. Quia in recordo & proceſſu, ac etiam in redditione iudicij loquelæ, que fuit in Curia noſtra Ciuitat̄ ꝓdict̄ coram vobis ꝓꝛef. vicecomitibus ſine breui noſtro, ſecundum conſuetud' eiuſdem ciuitatis, inter A. & R. de quadam tranſgr̄ eidem A. per præf. R. illata, vt dicitur, error intervenit manifeſtus, ad graue dampnum ipſius R. ſicut ex querela ſua accepimus: Nos errorem (ſi quis fuer̄) modo debito corrigi, & partibus prædict̄ plenam & celerem iuſticiam fieri volentes in hac parte: Vobis ꝓcipimus, quod ſi iudic' inde reddit̄ ſit, tunc record' & proceſſ. loquelæ prædict̄ coram vobis in proxim̄ huſting. noſtro eiuſd' ciuitatis venire, eaq; in ꝑſentia partium pred' per vos præf. Vicecomites ſuper hoc præmuniend' ſi intereſſe voluer̄ recitari, & diligenter̄ examinari, & errorem (ſi quis fuerit) in hac parte modo debit̄ corrig. & partibus prædict̄ plenam & celerem iuſtic' inde fieri faciatis, vt de iure & ſcd̄m conſuetud' Ciuitatis ꝓdict̄ fuerit faciend'. Teſte &c.

¶ Et ꝛ brief de Superſed̄ al Vir̄ de ſurceſſ. de faire execuc̄ pendant l' bꝛiefe Derror, poit eſtre fait & conteign̄ en m̃ le bꝛiefe Derror, que eſt direct al Maioꝛ & Vir̄ de remoũ le recoꝛd̄ en le Huſtings.

¶ Et ſi erronious iudgemẽt ſoit done en le huſtings de Lond̄ deuant le Maioꝛ & Viconts ia, donque le party que voile ſuer a reũſer cẽ iudgement, venek̄ en la Chancerie, a la ſuer vn Commiſſion, direct as perſons de examiner le recoꝛd̄ & ꝓceſſ. & les erꝛoꝛs, & de faire ſur ꝛ dꝛoit, & le cõmiſſion ſerra tiel.

¶ Rex dilectis &c. R. & S. ſalutem, Ex parte B. accepimus, quod

quod in recordo & processu, ac in redditione iudicij loquele quæ fuit coram Maiore & Vic' Lond' in Hustingo nro ibidē sine breui nro int' C. & pd' B. de quadā transgr' &c. illata, vt dicitur, error interuenit manifestus: Nos in defectu corūdē Maioris & Vicecomitum, volentes errorem illū (si quis fuer') debito modo corrigi, & partibus inde fieri Iusticiæ complementum: Assignamus vos Iustic' nostros, vna cum hijs quos associauimus ad pd' record' & ꝓcessus examinand', & errorē (si quem in eis, aut in redditione iudic' loquelæ pd' inueniri contigerit) corrigend', & ad plenam & celerem justi' inde p. tibus faciend', scdm consuetud' ciuitatis præd'. Et ideo vobis mandamus, qd' ad certū diem, quem ad hoc ꝓuideritis, vsq; sanct' Martiñ magnum Lond' accedatis, & in defectu pd' Maioris & Vic' ꝑmissa fac', in forma pd' fact' &c. scdm legē & consr. regni nri, & Ciuitatis pd': Saluis &c. Mandam' &c. eisde Maiori & vic', quod ad certū diē, quē eis scir' fac' record & ꝓcess' loquelæ pd', cū oībus ea tangētibus, & ꝓtes pd' coram vobis ad locū pd' venire fac'. In cuius &c. Teste &c.

F ¶ Et sur cest Commission les Justices agarde vn ꝑcept al Maioz & Vic̄, de demaundr les recordz & ꝓcces deuant eux a certaine iour, & de garñ les parties destre deuātles Justices a ceo le iour &c. Et le Roy maund auter bziefe al Maioz & Vic̄ dauer le recordz & le ꝓces deuant meſm̄ les Justices, al iour per les Justices assigne p leur ꝑcept fait as dits Maioz & Vic̄. Et sur cest Cōmission le Roy pout faire association, & auter bzief, Si non omnes, dirēt as Justices de ꝓceder, coūt q̄ ascun de eux ne veigū, come il serā en Assise, ou en Oyer & detecminer &c.

G ¶ Et home aūa Commission de examiner les Errors, & iudgement done en les Hustinges en tēps dauter Roy, & en tēps de aut' Maioz, & aut's Vic̄, & la forme del Commission est tiel. ¶ Rex dilectis &c. Quia ex parte B. accepimus, quod in recordo & ꝓcessu &c. *vsq; ibi*, justiciæ complementum, assignauimus vos, tres, et duos vestrum Iusticiar̄ nostr̄, ad recordum et processum loquelæ prædict̄, in præsentia nunc Maioris & Vic' Ciuitatis prædict̄, per vos super hoc præmuniend', si interesse voluerint, ad Ecclesiam sancti Martini magni Lond' superuidend' & examinand' &c. *vt supra, vsq; ibi*, Ciuitat̄ prædict̄. Et ideo vobis mandamus, quod ad certum diem &c. prouideritis, vsquè dictam Ecclesiam sancti Martini magni Londoñ accedatis, & præmissa omnia & singula fac' & explicat̄, in forma prædict̄ factur̄ &c.

secun-

ſecundum legem & conſuetudinem ciuitatis prædict̃: Saluis &c. Mandamus etiam eiſdem nunc Maiori & Vicecom̃, qd' ad certum diem quẽ vos &c. eis ſcire fac' record' & ꝓceſſum loquelę præd', cum omnibus ea tangentibus, quæ penes ipſos reſident, vt dicitur, coram vobis &c. ad locum prædict' venire fac', ꝑfatiſq; Vicec' qd' ipſi ſcire fac', ꝑſ. B. quod tunc ſit ibi error ſi quis in recordo & proceſſu ꝑd' &c. *vt ſupra in premiſſ &c.* Teſte &c. ¶ Et ſur ceſt Commiſſion, le Roy maunde̅ auꝰ bẽe al Maioꝛ & Viꝭ de Londꝛ, de maunde̅ le recoꝛd & ꝓceſſ. deuant les dits Juſtiꝭ &c. Et le bẽ reherſe en le ꝑmes de ceſt leſſect del recoꝛd & ꝓces, & auxy il reherſe en le dit bꝛief le cõmiſſion, q̃ il ad fait deſle direct as ceꝛt Juſtices de examiner &c. & de faire juſtice ſur ceo, & donq̃ il dira en le fine del bꝛiefe: Et ideo vobis pręcipim', qd' ad certum diem, quẽ ijdem K. F. & S. vel duo eorum vobis ſcire fecerint record' & ꝓceſſ. loquelæ prædict', cum oĩbus ea tangentibus, quæ penes vos reſident, vt dicitur, coram eis vel duobus eorum ad locum ꝑd' venire fac', voſq; ꝑfat' vic' ſcire fac' ꝑſ. A. qd' tunc ſit ibi, errorem illũ (ſi quẽ in recordo & ꝓceſſ. ꝑd' aut in redditione iudic' loquelæ pręd' interuenire contigerit) auditur̃, & vlterius factur̃ & receptur̃ quod curia nra conſiderauerit in hac parte. Et habeas &c.

¶ Et ſi home ad iudgement done pur luy en London en les courts le Vicount la deuant eux, ou deuant le Maioꝛ & Vicounts en les Huſtinges de London, & le defendant pur delaier le execution de ceſt iudgement, ſue bꝛiefe de Error a remouer ceſt recoꝛd̃ deuant le Maioꝛ &c. en les Huſtinges, ou deuant certain Commiſſioners, ſi le iudgement ſoit done en les Huſtinges deuant le Maioꝛ &c. & puis le partie defendant q̃ ſue ceſt bꝛiefe Derror, voile per cautle ou ſubtile meanes eſloigñ les byens hoꝛs del Cite, ou eux degaſt, al entent que le pl̃ nauera execution de ceux byens, donq̃s le pl̃ que auera iudgement de recouer, auera eſpecial bꝛiefe direct as Maioꝛ & Vicounts que ils pꝛeuideẽ que les biens le def. queux amount al value de ceo que eſt recouer, ſoient ſaluement gardes a ſatiſfier le plaintife, ſil ad ſon iudgement affirme pur luy, iſſint que execution del pꝛimer iudgement poit eſtre fait &c. de meſmes ceux biens &c. I

¶ Et ſi iudgeñt ſoit done denãt les Vicounts de Lond pur le pl̃ en action ſue la, & le def. ſuiſt bꝛiefe Derror, & remoue cel denãt l' Maioꝛs & les Vicont̃ en les Huſtings, & quant V

& quant il ad ceo iſſint remoue per bꝛiefe donqꝫ Derror il ne voit pluis ſuer ſur ẽ bẽ &c. Donqꝫ le pt̃ que recouer̃ aũa especial bẽ as Maiors & vic̃ q̃ ils aler al examinar̃ dez errors &c. & de faire execuc̃ del iudgemẽt, ſi le iudgemẽt ſoit affirme. Et ſur cẽ bꝛe il aũa Alias & Plur̃, vel Cauſam nobis ſignifi. ces en le Plur̃, ſil ne voile ꝓceder̃ &c. Et ceſt bꝛiefe fuit deuile per Parning donqꝫ Chauncellor, & per luy diligentm̃ examin, come appiert per le Regiſter.

¶ Et ſi faux iudgemẽt ſoit doñ en Irelãd, le pty poit ſuer bꝛe Derror en banke le Roy en Engt̃, & le bꝛe ſerra tiel.

¶ Rex dilect' & fidel' ſuo A. Iuſtic' ſuo Hibern' ſaluꝫ, Quia in recordo & ꝓceſſ. &c. error &c. ad graue dampnum ipſius B. ſicut ex graui querela ſua accepimus. Nos &c. record' & proceſſ. loquel' prædict̃, cum omnibus ea tangentibus nobis ſub ſigillo veſtro diſtinctè & apertè mittatis, & hoc breue, ita quod ea habeam⁹ tali die &c ꝓut inſpect' record' & proceſſ. præd' vlterius inde fieri faciamus qd' de iure fuerit faciend', & ſcire fac' ꝑf. S. qd' tunc ſit ibi ad ꝓcedend' in loquela ꝑd', & ad faciend' & recipiend' qd' curia nr̃a conſideraverit in præmiſſ. Teſte &c.

13. ¶ Error.

DRex dilecto & fideli ſuo I. de T. ſalutem. Quia in recordo & proceſſu, ac in tedditione iudicij loquelæ, quæ fuit coram vobis & ſocijs vr̃is Iuſticiar̃ noſtris de banco per breue nr̃m, inter A. & B. de record' & proceſſu Aſſiſæ nouæ diſſeiſinæ, que inter eos ſum̃ fuit & capta apud S. coram dilectis & fidelibus nr̃is I. de I. & ſocijs ſuis Iuſtic' &c. aſſign', de tenementis in W. queq́dem recordum & ꝓceſſ. coram vobis certis de cauſis venire fecimus, error interuenit manifeſtus, in graue dampnũ ipſius A. ſicut ex querela ſua accepimus. Vo errorem (ſi quis fuerit) in hac ꝑte modo debito corrigi, & ꝑtibus p̃dict̃ Iuſticiam inde fieri volentes, ꝓut decet: Vobis mandamus, quod ſi iudic' inde redd̃ ſit, tunc tam record' & ꝓceſſ. loquelæ p̃d̃ corã vobis ſic habit̃, quã etiam record' & ꝓceſſ. aſſiſæ p̃d' corã vobis miſſa cũ oĩbus ea tãgẽt nobis ſub ſigill' vr̃o &c. ita quod ea habeam⁹ &c. vt hijs inſpectis

¶ Et cẽ bꝛe Derror giſt, lou laſſiſe paſſa en le counties deuant les Juſtices daſſiſe, & puis il eſt remoue en comm bank, & iudgement done la ſur ceo, ore le partie poit ſuer ceſt bꝛiefe Derror, ſil y ad aſcun erroꝛ en le matter &c. & ſur ceo il poit ſuer Alias & Plur̃, ſi les Juſtices ne vaile certifier

le recozd &c. Et ſi les Juſtic̃ de ceo bank, ou auters Juſtic̃ ſur le bzeſe Derror, ne voil̃ certifier tout le recozd: dõq̃s le party q̃ ſue le bzeſe Derror, poit alleag̃ diminution del recozd, & pzie̅ bzeſe as Juſtic̃ q̃ certifice̅ le recozd auant de certifier tout le recozd &c. & le bzeſe ſerra tiel. A

¶ Rex dilecto & fideli ſuo W. de T. ſaluẽ. Cum nos nup ad ꝓſecutionem I. de H. nobis ſuggerentis, in recordo & proceſſu, ac etiam in redditione iudicij loquelæ q̃ fuit coram vobis & ſocijs veſtris iuſtic' nr̃is de banco, ꝓ breue noſtrũ inter W. de T. petentem, & I. de R. tenentem, de xv. meſuagijs cũ ꝑtinen̄ in S. errorem inſſe manifeſtum: Vobis mandauerimus, quod ſi iudic' inde redditum eſſet, tunc record' & proceſſũ loquelæ ꝑd' cum omnib⁹ ea tangentibus, nobis ſub ſigillo vr̃o diſtinctè & aptè mitteretis, & breue noſtrũ qd' vobis inde venit, ita quod ea haberemus in craſtin̄ ſancti Martini proxim̄ ꝑterit̃, vbicunq; tunc eſſemus in Anglia. Ac iam ex ꝑte præd' I. de H. nobis eſt oſtenſum, qd' licet vos prætextu breuis nr̃i præd' record' & proceſſum ꝑd' in aliqua ſui ꝑte corã nobis ad dictum craſtin̄ miſeritis, aliqua tam̃ eorund' record' & proceſſ. necnon q̃dam alia ea tangentia adhuc reſtãt coram vobis mittend', in ipſius I. de H. dampnũ non modicum & grauamen. Et ideo vobis mandam⁹, quod ſi ita eſt, tunc reſiduũ record' & ꝓceſſ. ꝑd', necnon omnia alia ea tangentia, q̃ vt præd' eſt reſtant coram vobis mittẽda, nobis ſub ſigillo vr̃o diſtinctè & aptè mittatis, & hoc breue. Ita quod ea habeamus &c. vt vlterius in præmiſſ. &c. B

14. ¶ Dedimus poteſtatem de Attornato faciendo.

IL ſemble q̃ deuant les ſtatutes, que donc que home ſerra Attozñ &c. q̃ les Juſtic̃ ne voil̃ ſuffer q̃ le pl̃ ou def. ou le demaundant ou tenant ſerra attozney en aſcũ action, ſuit, ou bill en aſt̃ court de recozd, ne en aſt̃ auter court, que neſt court de recozd: pur ceo que les pols del br̃e commaundõ le def dappeꝑ &c. & ceo fuit pzile tout tẽps, q̃ il ſerꝑ en pzoper ꝑſon. Et le ſozme dentre en chelſ̃ action pur le plaintif ou dõant, eſt, & præd' q̃ obtulit ſe iiij. die &c. & prędict' def. non venit, ideo ꝓceptum eſt Vic', quod &c. per q̃ fuit pzile, q̃ le pl̃ appeaꝑ en ſon pzoper ꝑſon. Mes oze per les ſtatutes il poit faiꝑ attozñ en court barõ, ou autes courts &c. Et poit faire attozñ pur ſuit perſonal al hundꝑ, ou al auter court baron. Mes pur ſuit real al Leete, ou al Turñ del vic̃ il ne poit C

faire

faire ceo p attorñ, mes doit faire ẽ en ꝓp person. Mes semble q̃ le Roy per s̃ ꝓrogat, e deuant les stat poit doñ ou graunt a vn home de faire attorñ en chesc̃ act̃ ou suit, e ꝛ cibien al dõt ou teñt, ou al plaint ou def. e que il poit direct ses briefes ou letꝛs as Judg; des courts, eux commãdts de admitt̃ e receiũ tielx plons per lour att̃, e q̃ les Judges soient tenꝰ de ẽ faire. Et il sẽble q̃ vn cause est, pur ẽ q̃ il ne serꝛ erroꝛ, si le Judge admitt̃ alẽ pl̃ ou def. de faire att̃ en alẽ act̃ ou suit, en q̃l p le ley il ne doit fait̃ attorñ. qd' vide in tit̃ de Error ℣.36.E.3. en tit̃ Dattorñ, T.37.℣.6.

¶ Et si tenãt a terme de vie soit empleđ en Pręcip quod reddat, cestuy en reuersion poit ꝓier destre receiue pur defendũ son droit pur default del tenãt, ou pur s̃ faunt pledr̃: e la il ne poit ꝓier per son attorñ deste receiue. Mes sil poit briefas Justices hors del Chanc̃, testifiant q̃ il ad fait att̃ la, a reherſ. cause pur q̃, cestascauoir, pur ẽ q̃ il est en infirmitie, ou auter reasonable cause, e eux commaundant de receiuer tiel plon per attorñ pur cestuy en le reuersion, le Court doit e est tenus de receiũ luy per son attorney, e le cause mis en le briefe nest material, soit il voier ou non: car il nest trauersable &c.

¶ Et le Roy p ses letters patẽts poit licenc̃ hõe de faire gẽnal attorney in oĩbus placitis motis seu mouendis, & in quibuscunque cur̃: e per ses letters patents il poit expꝛesſ q̃ serra attorñ &c. Ou poit graunt̃ de faire attorney, quem vel quos voluerit, sans nosm̃ alcũ attorñ espec̃ p son nosm̃. Et le Roy per son briefe poit mandr̃ a alcun person de receiuer attorney pur vn auter tiel person q̃ lauter volle nesmer en generaltie, ou tielx persons especialment, e ceo poit estre fait cibñ pur le dẽant ou pl̃, ou pur le def. ou tenant. Et le Roy poit doner authoꝛitie a vn person de receiuer attorney pur auter en touts plees, e en touts courts pur ij. ou trois ans. Et le Roy pott graunt̃ Dedimus potestatem de resc̃ attorney pur auter pur especial cause reherse en le briefe, s. pur ceo q̃ il est languissant, ou decrepite &c. ou auter tiel especial cause. Ou poit graunt̃ Dedimus potestatem en vn gẽnaltie, de receiuer attorney pur auter en touts plees, sans expꝛesſ. alcun cause en certaine, pur que il ceo fait.

¶ Et auxy appiert per le Register, q̃ le roy per ses letꝛs patents poit graunt̃ al ꝓꝛioꝛ de S. John, que il poit faire deux de ses freres, e nosm̃ eux &c. en son lieu, que est en lieu

dun

dun Prock, q̄ les ij. freres ferr̄ attorn̄ pur le Prior ē chesr̄ action q̄ est pendant, ou desr̄ prist vers luy en chesr̄ Court &c. & de challenge ses liberties, & eux defendr̄. ¶ Et auxy le Roy p ses Letters patents poit graunt a vn Abbe pur deuotion, q̄ il porr̄ vers le dit meason, quil poit fair̄ geñall attorn̄ pur touts plees, & en touts Courts, & q̄ le dit Abbe puit eux remoū, & auters en lour lieux mitr̄ cy souent come a luy semble bon ou necessarie. Et issint per ceo appiert, q̄ le Roy poit graunt̄ a touts ses subiects en m̄ le manor, & sans aſcun cause mitter ou monstre en les Letters patents. A

¶ Et appiert p le Regiſter, q̄ le Roy puit graunt̄ ceo per ses Letters patents south le priue Seale, cybien cōe per ses Letters patents south son graund Seale. B

¶ Et q̄n le Roy fait vn general graunt a vn Abbe, ou a aſcun auter de faire tielx generals attorn̄: donq̄s semble q̄ Labbe viendr̄ en le Chauncery, ou mitter son fait south son Seale al Chancelor, testimoign̄ q̄ il ad fait tiel & tiel plons ses attorn̄ &c. ¶ Et sur ceo le Chancelor ferra Letters patents al Abbe, testifiant q̄ il ad fait tiel & tiel plons ses attorn̄ en toutz plees & Courts &c. & sur ceux Letters patēts mēes al Court, le Judge couſt admitter & receiu̇ ceux persons pur attorn̄ pur m̄ le partie. Et semble q̄ ceux Letters patents serra enter de record en m̄ le Court.

¶ Et le Roy poit maund̄ son brese as Justices de com- C
mō bank, ou as Justices en eire, ou as aut̄ Justic̄ q̄cūq̄, testifiant q̄ vn tiel ad fait son general attorn̄ en touts plees & quarrels vers luy moues, ou destre moues p luy, ou vers luy, & auxy de challēge ses franchises, ou pur suer ou defend̄ ses franchises, cōmaundant les Justic̄ p le dit brese, q̄ ils luy receiuer pur attorney &c.

¶ Auxy est aut̄ brese en le Regiſter, q̄ le Roy p son brief cōmand̄ a ses Justic̄ en eire, q̄ ils admitt̄ & receiu̇ le claim de vn tiel a cert̄ liberties q̄ il ferra & claim̄ deuant eux per son attorn̄, pur ceo q̄ il ne poit estre personalm̄t deuant eux a m̄ le iour &c.

¶ Est aut̄ form̄ de brese direct as Justic̄, q̄ ils admitter̄ D
vn tiel plon attorn̄, q̄ le dit party voile faire dēe son attorn̄ p ses Letters patents desouth son Seale &c.

¶ Et hōe poit faire son attorney deuant les Justic̄ sans fait̄ attorn̄ en le Chancerie, ou sans suer aſc̄ brese as Justic̄, eux commaundant dadmitter aſcū attorn̄ pur le partie pl̄ ou def. come le common course est a ceſt iour pur attorn̄

dapp̃ p̃ chesc̃ pty en chesc̃ mañ dacc̃, q̃ ils purr̃ appeer̃ p attorñ, & mitt̃ einz lour garr̃, sans suer ascũs tiels bẽes, sinon q̃ ils soyent en bẽes Dentre en le Post, ou bẽe q̃ est p assent & couin int̃ les pties, ou en bẽe de Droit: dõqz les Justices p lour discretiõ ne vlẽt dadmitt̃ ast̃ hõe p̃ appeer̃ cõe attorñ p̃ le ptie def. sinon q̃ le tenãt conust luy dest̃r̃ s̃ attorney deuant ast̃ Justic̃, & q̃ les Justic̃ recoꝛdõ le garr̃, ou autrm̃t il poꝛt bẽe as Justic̃ hoꝛs del Chanc̃, testifiant q̃ il ad fait attorney la, eux cõmaundõ de receiũ luy p lon attorney.

E ¶ Mes sõt diũs cases, en q̃ux les Justic̃ ne voil̃ admitt le pty def. p attorñ, cõe sil viẽt eins p Cẽpi corp⁹, ils ne voil luy admitt̃ p attorñ, tanqz il ad plede ast̃ pleé, & donqz p lour discreẽ ils vse de suffr̃ le def. de faire attorñ. Mes si le def. viẽt eins sur Exigent p Cẽpi corpus, les Justic̃ ne voil admitter luy de faire attorñ, mes done a luy iour p mainpꝛise de term̃ en term̃, tanqz le matt̃ soit determine: & ẽ cẽble est̃ lour discretion pur son cõtumacie, car en cẽ cas sils luy admitt̃ de faire attorñ, & de aler sans mainpꝛise, ceo nẽ ast̃ error, come semble a moy.

F ¶ Al Graund caꝑ, ou Petit caꝑ retorñ, le tenãt poit appeer̃ p attorñ, & tẽdr̃ de gage sa ley, & p̃ndr̃ iour p̃ s̃ maistr̃ de faire s̃ ley, a q̃l iour l'maist comẽt dappeer̃, & de fair̃ sa ley.

G ¶ Et hõe ferra att̃ vs le Roy en ast̃ action sue p le Roy

H ¶ Sur relcous retorñ p le Vic̃, & sur ẽ Attachm̃t agard vs luy, le def. ne fra attorñ: mes ser̃ cõmise al Fleet maund sur son apparans. Mes si le Roy maundõ a eux pꝛimie scale, cõmandãt les Justic̃ q̃ ils admitt̃ attorñ pur luy: le Court doit receiũ attorñ sans appar̃ en ꝓper person.

I ¶ Et hõe suer bẽe Derror p attorñ, sil ne soit en gardõ.

K ¶ En appeale le pl̃ fra attorney vers abbettors, sil sa vers eux dist̃r̃ &c.

L ¶ En Quem redditum reddit, le def. ne fra att̃, sinon a assensu partium.

¶ En Quid iuris clamat, ou Per quæ seruitia, apꝛes pl̃ plede le def. fra attorney. Semble q̃ il puit issint faire a Quem redditum reddit.

M ¶ En Præmunire, le def. ne fra attorny sans especial bẽ diect as Justices pur ceo.

N ¶ Apꝛes Caꝑ ad computand' agardõ, le def. ne fra attorñ.

O ¶ Home poit demaundõ consans del pleé per attorñ.

P ¶ Et le pl̃ fra attorney en appeale apꝛes appeer̃, & cest p statute Henr̃ 7.

¶ Cesty

¶ Cesty q̄ plede misnoſmer ne ſerra attorney, quod vide P.41.E.3. & M.45.E.3. A

¶ En Scire fac' ſue ſur charter de pardō, le pl' en le Scire fac' ne ſerra attorn̄, mes p aſſent lauk̄ pty il puit. B

¶ Feme couert puit eſtre attorney pur ſa baron. C

¶ Al Sequatur ſub ſuo periculo, le vouch. ne entē en le garē per attorn̄. D

¶ En Attaint le petit Jury ne ſerra attorney. E

¶ Le def. ne ſerra attorney en Maihem. F

¶ Ideot ne ſerra reſceu de ſuer ou def. en aſcū action per gardeine, ne per pcheine amy, mes couient eſtre touts dits en pper perſon. P.33.H.6.fol.20. G

¶ Enfant ſuē acē p pcheine amy, mes ſi enfant ſoit def. en aſcun acē, il defendō per gardō, & nemy per procheine amy. Et la Court aſſignā gardein pur lenfant q̄ eſt def. & ceſt cōmunemēt vn des officers del place. 40.E.3.fol.16. H

¶ Enfant ſue bē de Waſt vers ſon gardein, & fiſt attorn̄ en ceo action. P.48.E.3.fol.10.

¶ Enfant fuit reſē de ſuer briefe Derē p ſō gardō, 16.H.7.5.

¶ Et home ne reſp̄ come gardō al enfant q̄ eſt pl' ou def. ſans garē: Mes il ſuē, come pchein amy al enfant, acē, ou le enfant eſt pl', ſans aſcun garē. I

¶ Et lenfant ne remouer ſon gardeine, ne diſauowē luy q̄ ſue pur luy, acē, cōe pchein amy. Añ 34.E.3.Lib.Aſſ. & añ 27.E.3.Lib.Aſſ. K

¶ Et le Roy p ſes letters patents poit faire geñall gardō pur enfant p reſp̄ p luy en touts acē & ſuits p̄ſes ou a p̄nd, & en touts mañs Courts. Ou poit fair' deux ou trois gardō iointm̄t ou ſeūalm̄t a reſp̄ pur luy, ou a purſuer acē pur luy. Et poit graunt̄ p m̄s les pat̄ al inſtance del enf. q̄ les dits gardō poiēt fair' auks gardō iointm̄t ou ſeūalm̄t en lour lieux a purſuer ou defender pur m̄ lenfant en touts acē & ſuits q̄ ſont pziſes & ſues, ou q̄ ſerra pziſes ou ſues apres. L

¶ Et lenfant aūa briefe en le Chancery de remoū ō gardō, direct as Juſtices, & de receiū auk̄ ꝛc. Ou le Court poit per lour diſcreē remoū le gardō, & faire auk̄ gardein. M

¶ Et vide en le Regiſter, apz le briefe de Protection cum clauſula Nolumus, briefes direct as Bail' de Hundō, de receiuer & admitter tiel plon p attorny en le Court q̄ le party voil' faire p ſes letters patents deſouth ſon ſeale, ou autrement. Et auxy briefes de Dedimus poteſtatem de amouer attorn̄, que ſont faits, & de mitt̄ autres en lour lieux, ou de N

O remouer alcun des attorñ, & de mitt̄ aut̄ en s̄ lieu. ¶ Et
home fait attorñ en Chanc̄ a relp̄ & defend̄ ē auts Courts,
il poit vener en Chancery, & luy remou̇, & faire aut̄ attorñ,
& sur ceo il auer̄ bziefe as Justic̄ del Court, ou lattorñ e
testifiant, q̄ il ad luy remoue, & fait aut̄ attorñ, eux comm
P dant de luy receiuer &c. ¶ Est Dedimus potestat̄ graunt a
le Regist̄, de receiū attorñ pur cestuy q̄ est vouch p t q̄ e
resceu pur def. del t a terme de vie. Et bziefe direct as Ju
stic̄ de receiū attorñ pur sem̄ q̄ pzie destre resceu pur del
D baron auant q̄ el soit resceu. ¶ Est aut̄ bzief direct as Ju
stic̄ de receiū attorñ pur vn def. & gard̄ pur aut̄ def.

R ¶ En Quale ius agard̄, ou Scire fac' serra agard vers le
s̄rs mediats & immed̄, ils auer̄ bziefe direct as auts per
sons de receiū attorñ pur eux dappel̄ a cē Quale ius a de
fend̄ lour bzoit, & sur ceo certifi& en Chancerie il aūa bzief
as Justic̄ denant q̄r le Quale ius est a trier, dadmitt̄ cely
q̄ est relē attorñ, & issint rc̄ en Chancerie pur att̄ pur le
s̄rs &c. en ceo action.

S ¶ En detin̄, ou gard̄, ou enterpl' serr̄, ils deuer̄ appa
pzoper person & enterpled̄ &c. vncoze sur cause reasonable
poit faire attorñ en le Chancerie, & auera bziefe sur ceo a
Justic̄ d receiuer luy pur son attorñ, & rehearl. le cause pr
que: vncoze semble que le cause nest materiall sil soit voi
ou nemy.

T ¶ Auxy est aut̄ bzief en le Regist̄ direct as Justic̄ pur
cēy en reū̄sion lou son t a terme de vie est empled̄, eux com-
mandant dadmitt̄ attorñ pur cestuy en le reū̄sl. si le t a terme
de vie fait default come il intend̄ q̄ il voile, & testifie en ñ
bziefe q̄ cestuy en reū̄sion ad fait tiel & tiel sez attorñ tout
& seueralm̄t, commaund̄t les Justic̄ de receiū ceux attorn
pur ceo que cestuy en le reuersl. ad tiel infirmitie, q̄ il ne p
pzier de estre resceu en son pzoper person. Et semble bzief
pur feme couert q̄ ad reuersion, & le teñt a terme de vie
imped, & el intend q̄ sa baron ne voile pzier destē resceu
Mes en le bziefe serē rehearl. q̄ la feme est decrepite, ou
aut̄ impediāt q̄ el ne poit conuenientm̄t veñ de pzier dest
resceu en pzoper person.

W ¶ Auxy est aut̄ manner de bzief pur le Viē, ou pur Es
cheatoz, pur cause les Barons Delcheq̄r de admitt̄ attorn
pur eux de faire lour pzers en Lescheq̄r, & vncoze ils com
munement sont lies per reconil. de faire t en pzoper person
& le bziefe est tiel.

Re

¶Rex Thesaurario & Baronibus suis de Scacc' salut. Quia dilectus nobis P. de B. Vic' nr̄ Suff. circa qued' ardua negotia nostra de quibus ip̄m specialit̄ onerauimus, in tantum est intẽdens, qd̄ coram vobis ad Scaccar̄ nr̄m ad instans crastin̄ S. Mich', vel ad instans oct̄ Pasc' ꝓxim̄ futur̄ ad ꝓffrum suum tunc ibm̄ ꝓut moris est personalit̄ interesse non potest, vobis mandamus, qd̄ R. & I. cleric', quos id' vic' ad proffrum suum ꝓd̄ corā vobis ad dict̄ crast̄ faciend' coram nobis in Canc' nr̄a loco suo attornauit, vel alterum ipsorū si ambo interesse non possint, loco ipsius vic' ad hęc recipiat̄ hac vic' de gratia nostra speciali, ipsum vic' propter abs. suam ad diem illū, vel ad oct̄ p̄d̄ non molestent̄ in aliquo seu grauent̄. Teste &c.

¶Et le Eschet̄ poit aū autiel bzieue pur ses ꝓpres a faire p atturney, mes il semble q̄ cest bzieue nest de cours, mes p especial commaund̄ direct al Chaunc̄ per le Roy de faire a eux tiels bzieues &c. Et auxy le Roy poit mander bzieue as Treasozer & Barons Deschequer ỽ respit̄ laccompt des Vic̄ & des Eschetozs, & le bzieue serra tiel. ¶Rex Thesaur̄ & Baronibus &c. salut̄. Quia dilectus nobis W. de H. Vic' nr̄ Wiltes. circa quædam &c. vt sup̄, est intendens quod coram vobis ad Scaccar̄ nr̄um ad instans crast̄ sancti Mich' proxim̄ futur̄ ad compotū suum de exitibus Com̄ p̄d̄ venire non potest, dedimus ei respect̄ de compoto suo p̄d̄ reddendo vsq; ad octabas sanct. Hillar̄ proxim̄ futur̄, & ideo vobis mandamus, quod ipsum Vic' respectum illum interim habere ꝓmittatis, Teste &c.

15 ¶Protection.

PRotecc' sont in diuers kozmes, & de diuers effects, & le Roy poit eux graunt pur diuerz causes. Et sont quatorz maūs des protecc' cū clausula volumus. Un c̄ ꝓtect̄ appel̄ Quia profecturus: Et aut̄ protection Quia moratur̄: Et le tierce c̄, protecc' q̄ le Roy poit graunt p son pzrogat̄: & cē lou hõe c̄ dettoz le Roy, le Roy poit graunt a luy, q̄ il ne serc̄ sue, ne attach. mes pzenō luy en son pzotect̄ tanqz il ad pay al Roy son det. Mes oze p lestat̄ fait aū 25. E. 3. ca. 19. c̄ ozdeigū q̄ le creanzoz auer̄ act̄ ỽs det̄ le Roy & aūa iudg. ỽs luy nient obstant tiels pzotection: Mez il naūa execuc̄ vers le det̄ le Roy q̄ ad tiel ꝓtection, sinon q̄ il voil̄ enpzenō sur luy de paier le det le Roy, q̄ le det̄ le Roy doit al Roy, & dōques il aūa iudgem̄t, & exec̄ verz le dettoz le Roy, pur ambi-

B

C deux dets &c. Et est vn auc Protection, cum clausula volumus, & ceste lou le Roy mitte hõc en sõ seruice de guerre oustẽ le mere, ou as Marches Descoce, & la est prise & deteigñ en prison, il aũa especial Protecc', reherse. ceste matt̃, & en le fine
D del dit Protection serra tiel clause, Præsentibus minimè valituris post deliberatioñ p̃d̃ R. à pris. p̃d̃, si conting. ip̃m iterũ liberari ab eadem: & le form̃ de diuers de ceux ptecc̃ appes en le Registr̃. Mes le ley est vse a oze, q̃ chescũ ptecc̃, q̃ home iect, ne serra allow: car si le protect̃ soit a durer a deux ou trois ans, les Justic̃ ne voit' allower ceo, & pur ceo le form̃ del ptecc̃ est a faire a ceste iour a durer pur vn an, & vn tout pchein ans le date de ceo, & donqz de suer nouel protect̃ si
E besoigne soit. Et Protection poit estr̃ iect p estrange pur le party cybien come p le partie melm̃.

F ¶ Et Protection, Quia profectur̃, ne serr̃ allow, sil soit purchase pendant le plee, si l ne soit en viage royal: & viage royal est, ou le Roy alet̃ en guerr̃ &c. ou son lieutenant, ou le deputie de son lieutenant, & nient autrm̃t.

viage royal.

G ¶ Et le pl̃ ne poit iect Protection, car le ptecc' est touts dits pur le def. & serra iect pur luy, sinon q̃ il soit en especial case, ou le pl̃ deuient def. Mes quant Protection serra allow, & quant nemy, ceste matt̃ appiert plus plainment en le title de Protection en les grand Abridgemẽts des ans, & par ceo nest mestier a monstre cy.

H ¶ Et p le Registr, hõc serra p Protection, q̃m̃ il demurt sup salua custodia Westmarchiæ Angl' versus Scotiam, vn̄ ann̄ 22. E. 4. tiel Protecc' fuit disallow, Tamen ieo teigne
I come le Registr fait mention. ¶ Protection, Quia morat sur le mers &c. fuit disallow Trin̄ 36. H. 6. pur ceo q̃ la mere ne poit demurr̃, ne p consequẽs il ne poit demurr̃ sur ceo.

K ¶ Et Protecc' serra allow en Court daunciẽt demesn̄, ou en aut̃ Court de record, cõe Lond &c. Et quant plee est remue, ptecc' poit estre allowe, & protecc' iect pur lun del. seruer̃ de mitt̃ le parol sans tour pur touts pluis cõmunement, sinon en especial case, cõe en trn̄s lou ilz pled̃ seueral pleés, & ilz suer̃ sc̃ial Venire fac' sur issue totne vers eux &c. Et Protection serra asẽ foits disallow pur variance entr̃ le brefe & le protection. Mes vide pur ceo en le title de Protection en les Abridgements.

L ¶ Protection serra allowe pur enfant, mes sil serr̃ allowe pur feme, sont diuers opinions de ceo enter les Justices.

M ¶ Et comẽt Protection serra admitt̃, vide en title de Protection,

tection, & en le title de Repell' en les Abridgements.

A ¶ Aury est vn aut' man de Protecc', cum clausula Nolumus, cõe appiert en le Regiſter, & ceo est ou Abbe, ou Prior, ou aut' espiritual person soit en pauor, ou doubt, q̃ ſes bñs, ou chateux, ou beasts ſerra prises p ministers le Roy, pur beſoignes le Roy, ils poyent purchase cest manner de Protecc', cum clausula Nolumus. Et appiert p le Regist', q̃ le

B Roy poit graunter ceo a vn ſecular home, cy bien come a vn espiritual, & ſemble deſtre bone sil fait issint &c.

C ¶ Vn home poit excuſer ſon default al Graund cape, ou Petit cape, per tect dun Protection.

¶ Et sil hõe soit essoine de ſeruice le Roy, le pl' poit auer especial bzief, sil nest en ſeruice le Roy, a diſallower cest eſſoine, q̃ ſerra direct as Justic', eux cõmandant de pced̃ &c.

D ¶ Et appiert en le Regiſter, fol. 280. q̃ ſont diũs maners des fozmes de Protection, ou home ſe doubt de traueler per pais ou ſes marchandizes, ou pur collectozs des almoigns de people pur aſcun Hoſpital, ou Eſglise, dõq̃s ils poyent purchase Letters patents de Protection le Roy, p eux commaundant les ſubiects le Roy de eux defender, & mainteñ, & ayder &c. & le fozme est tiel.

E ¶ Rex oĩbus Bali' & fidelibus ſuis ad quos &c. ſalut'. Supplic' nobis A. vt cum ipſe diũſa negotia ſua in diuerſis Cur' nr̃is & alibi infra regnũ noſtrũ Angl' ꝓſequit', ac idem A. occaſione proſecutionis hm̃odi timeat tam ſibi quam hoĩbus & ſeruieñ ſuis in ꝑſonis & rebus ſuis p quoſdam emulos ſuos, & eorum ꝓcuratioñ, dampñ, *Vel ſic*, dampñ de corpore ſuo & iacturam de bonis ſuis de facili &c. & periculũ de facili poſſe euenire, volum⁹ ſecuritati ſuæ in hac parte ꝓſpicere gratioſè, nos pacem & tranquilitatem vbiq; in regno noſtro conſeruare volentes, ſuſcepimus ipſum A. & negotia ſua prędt̃ in dictis Cur' nr̃is, & alibi infra regn̄ nr̃m Angl' ꝓſequend̃ ibid̃ morando, & exinde ad propria redeund', necnon hoĩes & ſeruieñ ſuos, ac res & bon̄ ſua quæcunq; in ꝓtectioñ & defẽſioñ nr̃as ſpeciales: Et ideo vobis mandamus, qd̃ ipſũ A. dicta negotia ſua in Cur' nr̃is & alibi infra regnũ nr̃m ꝑd̃ (vt ꝑmittit') ꝓſequẽdo, ibm̃ morando, & exinde ad ꝓpria redeund', necnõ hoĩes & ſeruieñ ſuos, ac res & bona ſua quæcunque manuteneatis, ꝓteg. & defendatis, non inferentes eis, ſeu quantũ in vobis eſt, ab alijs inferr̃ permittentes iniur', moleſtiã, dampnũ, violentiam, impediment' aliquod, ſeu grauamen. Et ſi quod eis forisfactũ ſeu iniuriat' fuerit, id eis ſine dilatione fac' emen-

dar',

dañ, dum th̃ idē A. quicquam qđ in nr̃i, seu populi nr̃i p̃iudicium, aut contr̃ ordination̄ p dñum E. nup Regē Angl' auu nr̃um, & consil' suū nup inde fact, eneruation̄ cedere poterit non ꝓsequant, aut attēptent, vel attēptare seu ꝓsequi p̃sumant vllo modo. In cuius rei testimonium &c.

F ¶ Et ceux letters poiēt este faits e directe cybiē as Viz, Admirals, Maiors, e touts autres officers &c. e pur ceo appiert q̄ ils deuēt beter e ꝓuidē q̄ tiels p̃sons, q̄ ont purchase tiels letters, eient sauor e dzoit mōstre a eux p reason de ceux letters, pur ceo q̄ appiert p ceux q̄ ceo est la volunt le Roy &c. Est autiel ꝓtecc̄ pur ceux q̄ va oue pardons, e pur collecter pur ponts ou chimins. Et autiel protecc̄ pur p̃s. ou espirituel persons &c. Et auxy autiel ꝓtecc̄ pur marchant estrangers, q̄x aleē en pais pur collier lour dets, ou pur suet pur eux &c. Et est autel forme de protection cest

G tiel. ¶ Rex vniuersis & singulis Vic', Eschaet', Maioribus, Baliuis, ministris, ac omnibus fidelib⁹ ligeis nr̃is quibuscunque, tam cōmunibus vill' nr̃æ de Southwarke, quam alijs infra libertates & extra, p̃sentes literas nostras visuris vel auditur salutem. Sciatis, quod suscepimus in ꝓtecc' nr̃am specialem T. W. ac hoīes & seruieñ suos, mañia, terras, & tenita, bona, & possessiones sua in Londoñ, Southwark, Hathm̃, & H. in Com̃ Surr̃, ac in S.C. & D. in Com̃ K. existent̄, necnon hæc scripta & munimenta sua quæcunque. Et ideo vobis mandamus, q̄ ipsum T.W. ac hoīes, seruieñ, mañ, tras, tenit̄, boñ, poss. sua, scripta, & munimenta p̃d̄ manuteñ, ꝓtegatis, & defendatis, non inferentes eis, aut eorum alicui inferr̄ ꝓmittētes iniuſ, molestiam, dampn̄, violentiam, vastū, destrucc', seu domorum vel aliorum bonorum & catall' suor̄ incendium, seu aliud impedimen̄t aliqđ vel grauamen, & hęc in fide, dilectione, & geantia quibus nobis tenemini, sub graui forisfact̄ nostra nullatenus omittatis, nec aliquis vr̃um omittat. In cuius &c. p vnum añ dur̄. Teste &c.

H ¶ Et aur̄ forme de protecc̄ pur le Prior de S. Johns pur ses procc̄ &c. e ceux protections sont de diuers formes come appiert en cest title de Protection en le Regist̄, & pur ceo beies eux la escripts: Mes ceux protections sont de grace le Roy graunts, car chescun home q̄ est loyall subiect est en le protection le Roy, mes ceux protections soient graunts de mouer e exciter les subiects le Roy de ayder & comforter ceux que ont tiels protections en lour affaires, que ils ont de faire en le pais pur les causes reherces en

meſme

meſme cel protection. ¶ Et appiert p le Regiſter, q̃ cheſcun eſpiritual ſon poit ſuer vn ꝓtect̃ pur luy & pur ſes biens, & pur lour ſermoꝛs de lour tres pur lour biens la, q̃ ils ne ſerra priſes p purueyoꝛs le Roy, ne lour cariages ou chattels priſes p auters miniſters le Roy. Et appiert p meſm̃ protection q̃ le Roy E. en lan xiiij. de ſon raigne, p eſpecial ſtatute grant ceo priuiledge al Clergy, q̃ il eux priſt en ſon ꝓtection, & lour biens & cariages. Et ils poient auer eſpial commiſſion direct a cert̃ perſons darreſt̃ tiels purueyoꝛs ou miniſters, & de maund̃ eux deuant le counſeil le Roy, la a rſid̃ de lour miſfaits en cel caſe. Et vide meſm̃ le protect̃ en le Regiſter, fol. 289.

16 ¶ Briefe de Droit de Aduowſon.

B Riefe de Droit daduowſon giſt ſolement pur ceſty que ad eſtate en laduowſon a luy & a ſes heires en fee ſimple ou droit de aũ eſtate a luy & a ſes heires en fee ſimple en laduowſon, & ſil ſoit diſturbe a pſenter, donqꝛ il aña ceſt briefe. Mes ſi home ad aduowſon a luy & a ſez heires de ſon coꝛpꝛ engendꝛes, & pur default de tiel iſſue &c. le remaind̃ a luy & a ſes heires en fee ſimple, ſil ſoit diſturbe, il naña ceſt brief, mes Quare impedit, pur ceo q̃ il nad title al aduowſon mez en taile, q̃ eſt en poſſeſſ. car le fee ſimple neſt en poſſeſſion ꝓperment durant leſtate taile, & il couient mainten̄ iact̃ p ceſt title q̃ il claim̃ la poſſeſſ. daduowſon, & ceo eſt deſtate taile. Et en ceo briefe il couient counter de ſon poſſeſſ. dem̃, ou de poſſeſſion ſon auncеſt̃, autermẽt le briefe ne giſt. Et couiẽt lier les eſpleés en le Parſon, come en pnd̃ de groſſe diſmes, oblac̃, & obuentions, al value &c. Et le tenant venet̃ & ferra defence, & poit ioinder le miſe p battaile ou graund aſſiſe &c. Et vide le ſeꝛm̃ del count, & del defence, & del ioind̃ le miſe in lib. Intrac' pla. fol. 90.

¶ Et home q̃ claim̃ de auer fee ſimple en aduowſon, poit auer briefe de Recto de Aduocatione medietat̃ Eccleſiæ, vel tertiæ partis, vel quartæ partis Eccleſiæ, &c.

¶ Et q̃n vn Parſon ſue en eſpiritual Court pur diſmes que amount al iiij. part del aduowſon vers vn Parſõ dauter paroch, donques ceſty Parſon que eſt ſue en ſpirituall Court, poit purchaſe briefe que eſt appel Indicauit: le q̃l briefe eſt vn prohibition, & ſerra direct cybien al Judge del Court, & al party ſi il voile &c. q̃ il ne ꝓceder en le plee &c.

Et

Et donqꝫ le patron celuy parſon q̄ eſt iſſint pꝛohibite per le Indicauit, poit auer & ſuer bꝛief de Droit de aduocatione decimarum, & le foꝛme del bꝛiefe eſt tiel.

¶Præcipe A. qđ reddat B. aduocatioñ decimarū tertię partis Eccleſiæ de S. vel quartę partis, vel medietat̄ Eccleſiæ &c.

¶ Et ceſt bꝛief eſt foundue ſur leſtatute de Weſt. 2 cap. 5. in fine ſtatuti. Et ne giſt de meindꝛe pcel del diſmes q̄ del quart part des diſmes del Eſgliſe. Mes il ſẽble q̄ al common ley deuant leſtatute, q̄ bꝛiefe de Droit des Diſmes giſoit & fuit maint̄, cõe Præcipe qđ redđ aduocationē decimarū quintæ partis, vel ſextæ partis Eccleſiæ &c. Et ceo ſẽble p le ſtatute fait ann̄ 18. E. 3. que voit, Que p la ou bꝛes de Scire fac' eient eſtre graunts a garniſher Prelates & auters religious Clerks a rñder des diſmes en nꝛe Chauncerie, a mꝛe fils eient riens pur eux, ou ſachant riens dire, pur que tiels diſmes a les dđts ne deuer̄ eſtre reſtitutes, & a reſp̄ auxibien a nous come a le party de tiels diſmes, que tiels bꝛes deſore enauant ne ſoient graunts, & que le ꝓces pendant ſur tiels bꝛes ſoiét anientes, & que les parties ſoient diſmiſſes deuant ſeculer Iudges de tielx maners des plees, ſalue a nous noſtꝛ droit, tiel cõe nous & nꝛe aunc' auoient ew, & ſolent auer de reaſon.

F ¶Per q̄ appiert deuant ceſt eſtatute, q̄ dꝛoit des diſmes fuit determinable en tẽpoꝛal Court le Roy: Mes leſtatute alter le ley oze. Et ſi pſon ſoit ſue en eſpirituall Court pur le quart part des diſmes, p q̄ il purchaſe le Indicauit &c. p q̄ les Iudges ſurceſſer̄, ſi le patron del pſon q̄ ſue en ſpꝛituall Court, nad eu le patronage foꝛſqꝫ eſtate taile, ou a t̄me de vie, il naũa bꝛief de Droit des diſmes, ne nul auꝛ remedy p le cõmon ley a trier le dꝛoit des diſmes pur le fœbleneſſe deſtate. Mes ſi deux ſont ſeiſies daduowſon & as heires iſ̃ de eux, ils ioinder̄ en bꝛiefe de Droit daduowſon pur le aduantage ceſty q̄ ad fœ ſ̃mple.

G ¶Et aury hõe naũa bꝛief de Indicauit auant q̄ le pty ad libell' vs luy en ſpiritual Court. Et il conient mꝛe le copy del libel auant q̄ le Indicauit ſoit graunt. Et le bꝛief de Indicauit ne giſt aꝑs iudgem̄t done en eſpiritual Court.

H ¶Et bꝛiel de Droit de aduocatione decimarū & oblationum quartæ partis Eccleſiæ, giſt auryb̄ come de Aduocatione decimarum quartæ partis Eccleſiæ tantum.

I ¶Et ſi vn ſoit parſon en parſonée, & auꝛ ſoit Vicar en ſ̃ Leigꝛ, & iun de eux eſt empleđ del quart part des diſmes de ſon pſonage, & auꝛ empleđ del quart part des diſmes de ſon vica-

vicarage, ils auer̃ ſeueral bꝛiefes de Indicauit, & lour patrõ poit aũ ſeueral bꝛiefs ỽ Droit de aduowſon des diſmes &c.

¶ Et appiert añ 13. H. 6. per lopinion de Forteſcue, que A
ſuant le bꝛief de Indicauit giſoit des diſmes ſues en eſpiritual court, fuꝭ nul bꝛ̃ de Droit des diſmes ſue de ceo. Mes il ſembl' contrꝛ̃ en real. car ſibien girꝛ̃ bꝛief de Dꝛ̃t des diſm̃ pur le pꝛ̃on, come le Indicauit giſoit pur le parſon.

¶ Et en 31. E. 1. la appiert, q̃ home aũa bꝛiefe de Dꝛ̃t de B
medietate aduocationis, lou aduowſon eſt departabl' entr̃ deux coparceñs, & lun ſoit diſturbe per eſtrange.

¶ Mes bꝛiefe de Dꝛ̃t de aduocatione medietat̃ Eccleſiæ giſt lou deux patrons pſent deux Parſons a vn aduowſon &c come ſont en aſ̃ eſgt' deux parſons &c.

¶ Et bꝛief ỽ Dꝛ̃t de aduowſon giſt de aduocatione vica- C
riæ, vel pꝛ̃bend', vel capellæ, & tiel ſemble, ſibñ come de Aduocatione Eccleſiæ. Et le Roy aũa tiel bꝛiefe, ſibñ come cõ- D
mon perſon. Mes home ne tend̃ demy marke vers le Roy dem̃qꝛer del ſeiſin alleage en le count le Roy, come il fra ſi cõmon perſon vſt poꝛt le bꝛiefe. Ne home naũ a iudg. final ỽs le Roy, com̃t q̃ il ſoit aꝑs le miſe tome ent̃ le roy & le t̃.

¶ Et home aũa bꝛiefe de Dꝛ̃t daduowſon dũ chapt' q̃ eſt E Dan. huid.
vn donatiue, ſibñ cõe il aũa ſil fuit pſentable al Ordinary.

17. ¶ Aſſiſe de Darreine preſentment.

LE foꝛme de bꝛief de Darreine preſentment pur common F
perſon eſt tiel. ¶ Rex Vic' ſalutem, Si A. fecerit te ſecuꝛ̃ &c. tunc ſum̃ &c. xij. liberos & legal' homines de viſñ de B. qd' ſint coram Iuſtic' noſtris &c. parati ſacꝛo recognoſc' quis aduocat̃ tempoꝛ pacis pſentauit vltim̃ pſonam, quæ mortua eſt, ad Eccleſiam de C. vel vltim̃ vicar̃ q̃ mortuus eſt, ad vicar̃ de N. q̃ vacat, vt dic', & cuius aduoc' idẽ A. dic' ad ſe ptinere, & interim Eccleſiã illã videant, & nomina eoꝝ imbreuiari fac', & ſum̃ B. q̃ aduoc' illam ei deforc', qd' tunc ſit ibi audit illam recog. & habeas ibi ſum̃, & hoc bꝛe, Teſte &c. Mes pur le Roy le bꝛiefe eſt. Rex Vic' ſalutem, ſum̃ p bonos ſum̃, xij liberos &c. & ne diꝛra, ſi Rex fecerit &c. te ſecuꝛ̃ &c. pur ceo q̃ le Roy ne trouera pledges de purſuer ſon action, car il ne ſerra amerce &c.

¶ Et home aũa Aſſiſe de Darreine preſentm̃t, com̃t que G
il ne ſes aunt̃ pꝛelat dart̃ auoidance, ſicome ſi tenãt a term̃ de vie, ou des ans, ou en doſwer, ou per le curteſie, ſuſſer

vn

vn vsurpation al esglise &c. & deuie, cēy en le reuersion q̄ est heire al aunt q̄ darreine p̄senta aūa Ass. de darr̄ presentm̄t, sil soit disturbe. Mes si home p̄zesent, & puis graunta laduowson a term̄ de vie a vn auter, & il sufferr vn vsurpar̄, ou deux, ou trois vsurpar̄ & deuie, ozr al p̄zochein auoydance cesty en reuersion naūa Ass. de darreine p̄sentment, sil soit disturbe a p̄sent: & t̄ appiert per lestatute de West ij. cap. 5. q̄l remedie del statute est done pur le heire cesty que fait la demise, que est en reuersion, & nēy pur le lessor mesme.

H ¶ Et si home p̄zesent al aduowson, & puis le p̄son resign̄, ou est depose, & le patron p̄sent arere, & est disturbe, il auera Assise de darreine p̄sentm̄t, & le fozme del bziefe serra, Quis aduocatus tempore pacis p̄sentauit vltim̄ p̄sonam, quę mortua est, ad Ecclesiam &c. coment q̄ il resign̄, & est en vie. Et le fozme del bziefe est a suppoler, q̄ le def. lup de fozr̄ del aduowson, & vncoze p̄ son count il counta, que il ou son aunt p̄sent darreine al aduowson, per q̄ il suppose q̄ il est en possession del aduowson, & vncoze ceo est bone.

I ¶ Si home p̄sent al aduows. a q̄ il ad dzoit, & puis lencumbent deuie, & estraunge vsurp̄ & p̄zesent a cest aduowson en tēps de gnerre, & puis cēy encumbent deuie, ozr si cesty q̄ ad dzoit p̄sent arer̄, & est disturbe, il auera Assise de darreine p̄sentm̄t, & cest p̄zesentm̄t fait p̄ estraunge en temps de gnerr̄ ne luy greuera.

¶ Et issint si home p̄zesent al aduowson, & puis lencūbent deuie, & auter Ozdinarie p̄zesent p̄ Laps aur̄ encumbent, & puis cesty encumbent deuie, ozr le dzoit patron p̄sentera, & sil soit disturbe, il aūa Assise de darr̄ p̄sentm̄t, nīet obstant ceux p̄zesentments mesnes.

¶ Et issint si le gardein p̄zesent en dzoit le heire, & puis lencumbēt deuie, ozr le heire p̄sentera, & sil soit disturbe, il aūa Ass. de darr̄ presentm̄t, com̄t q̄ le gardein p̄zesent mesn̄, & le darr̄ p̄sentm̄t. Mes si home p̄zesent al aduows. & puis lessa ceo a terme dans, & puis lesgl' boid, & le t̄ a term̄ dans p̄sent, &c. & puis lencumbent deuie, & le lessor p̄sent & est disturbe, semble q̄ il aūa Ass. de darr̄ pres. pur ceo q̄ le t̄ a terme dans p̄sent en son dzoit demesne. Mes tenant a term̄ dans aūa Ass. de darr̄ p̄sent̄ sil auera p̄zesent deuant. Et issint auera le gardein del heire sil auera p̄zesent deuant.

¶ Si home vsurpe sur Enfant & p̄sent, le q̄l enfant ad laduowson per discent, & apres lencumbent deuie, lenfant p̄zesentera, & sil soit disturbe, il aūa Ass. de darr̄ eine presentment,

ment. Mes si lenfant purchase ladnowson, & p̄sent & puis lesglise void, & estrange p̄sent, & vsurpe sur lenfant, & puis lencumbent deuie: Dze si lenfant p̄sent, & est disturbe per lestrange, il naūa Darrein p̄sentm̄t, mes serra mis a son bōe de Droit.

¶ Si le baron & feme p̄sent al aduowson en droit la fem̄ q̄ est appendant al manoz le feme, & puis le baron alien vn acr̄ parcel del manoz oue ladnowson en fee a vn estrange & deuie, & puis lestrange p̄senta, & puis alien le acre a vn auter en fee, sauant ladnowson, a luy meſm̄, & puis lesgl' void, oze la feme p̄senta, & si el soit disturbe, el aūa Ass de darrein p̄sentm̄t, pur ceo que ladnowson suit seuer del acre. Mes si le aduowson suit appendant al acr̄, donq̄ conient al feme a recouer̄ lacr̄ auant q̄ el p̄senta al aduowson.

¶ Et Assise de darreine p̄sentm̄t ne gist p vn coperceñ vs aukē come appiert M. 15. E. 3 & M. 20. E. 3.

¶ Et si vn def. deuie en Assise de darreine p̄sentm̄t, l' brē est bon vers lauter per suruiuoz.

¶ Si disturboz p̄sent a vn aduowson, & le Patron poz Ass. de darr̄ p̄sentm̄t, & perdent le briefe lencumbent deuie, si le disturboz p̄sent arere vn auter encūbent & deuie, vncoze l' patron auera Ass. de darr̄ p̄sent̄ sur le p̄zimer disturbance per Iournes accompts vs heire le disturboz. Et illint si le disturboz p̄zesent ij. ou iij. foits deins les vj. mois, le veray patron aūa Ass. de darr̄ p̄sentm̄t sur le p̄zimer disturbance.

¶ Et puisum fuit coram dño Rege, Archiep̄is, Episcopis, Comitibus, & Baronibus, qd' nulla assisa vltimæ præsentationis de cætero capiatur de Eccleſiijs præbendatis, ne de p̄bendis, Hill' 19. H. 3.

18. Quare impedit.

LA forme de briefe de Quare impedit pur le Roy en droit de son Coron̄ est tiel. ¶ Rex Vic' Lincol' salutem, Præcip̄ W. Archiepiscopo, & R. qd' p̄mittant nos presentare idoneā p̄sonam ad Ecclesiam de W. q̄ vacat, & ad nr̄ā spectat donationem, & vnde p̄dict' W. Archiep̄ & R. nos iniustè impediūt vt dicitur, Et nisi &c. sum̄ &c. præd' Archiep̄ & R. qd' sint coram nobis &c. vel coram Iustic' nr̄is de banco &c. Car le Roy poit sucr en q̄l court q̄ il volle, cē briefe & chesc̄ auk briefe.

¶ Et si le Roy ad title de p̄zesenter al aduowson p̄ reason des terres & tempozalties q̄ sont en son maine de ascun

Euek-

Cuelchery, ou abbey, ou gard de aſcũ heire, donq̃s le bꝛ eſt.

¶ Rex Vic' Lincoln̄ ſalutem. Præc' W. Archiepo, qd' pmittat nos præſentare idoneam perſonam ad Eccleſiam de W. quę vacat, & ad nr̄am ſpectat donationem ratione Epiſcopatus Cantuar̄ nuper vacant̄, & in manu nr̄a exiſtent̄, & vnde idem Archiepus nos iniuſtè imped' vt dicitur &c.

¶ Et ſil ſoit al pꝛebendꝫ, donq̃ iſſint, Ad præbendā de L. in Eccleſia &c. q̄ vacat &c. ratione Epatus &c.

¶ Et ſil ſoit ratione cuſtodiæ, **donq̃s le bꝛiefe ſerra** q̄ vacat, & ad noſtram &c. ratione cuſtod' terr̄ & hæredis T. quondam Comitis de A. defuncti, q̄ de nobis tenuit in capite & in manu noſtra exiſtentis, & vnde præd' &c. nos iniuſtè &c.

¶ Et ſil ſoit ratione cuſtodiæ occaſione alteri⁹ cuſtodiæ, **donq̃s le bꝛiefe eſt,** quæ vacat, & ad noſtram &c. ratione cuſtodiæ terr̄ & hæred' I. T. in manu dñi E. nuper Regis Angl' pr̄is n̄r̄i, ratione cuſtod' tr̄ę & hæred' S. de C. quondam Comitis Glouc' defuncti, de quo idem I. terram ſuam tenuit per ſeruitium militar̄, in manu eiuſdem patris noſtri exiſtent̄, & vnde idem &c. nos iniuſtè imped' vt dicitur.

¶ Et p̄ le Regiſter, **le Roy ſoindꝛ en** Quare impedit **ou auter perſon, Et ie ſoꝛme del bꝛiefe eſt tiel.**

¶ Rex Vic' &c. Præcip̄ R. de C. qd' iuſtè &c. permittat nos & P. de T. p̄ſentare idoneam p̄ſonam ad Eccleſiam de K. q̄ vacat, & ad nr̄am, ratione cuſtod' tr̄æ & hæred' I. q̄ fuit vxor T. de N. qui de nobis tenuit in capite defuncti in manu nr̄a exiſtentis, & ad ipſius P. de T. ſpectat donatio, & vnde p̄d' &c. nos & p̄fat̄ P. de T. iniuſtè imped'. **¶ Mes oꝛe ie comon opinion eſt, que le Roy auera ſentier p̄ſentm̄t ſole, auera acc̄ ſole. Mes ſemble a moy, que eſtoit oue reaſon q̄ le Roy ꝛ laut̄ ſoindꝛ: ſicome en acc̄ populer le party ſue pur le Roy e luy meſm̄, ꝛ les poꝛ en le bꝛiefe ſont, Qui tm̄** pro dño Rege quam pro ſeipſo ſequitur &c. **e ceo en bꝛief** Dette &c. **¶ Et per m̄ ie reaſon le Roy poit ſuer pur** **e pur la ptie. Et eſt cōmon experience, q̄ home tiendꝛ** **en commō oue le Roy, ꝛ autry chattel real, e p̄ autiel** **tis poient auer p̄ſentm̄t ou aduowſon en common.**

¶ Et ſi home ſoit diſturbe a p̄ſēt a vn parſonage, dōq̃ bꝛiefe ſerra, Præc' qd' pmittat ip̄m p̄ſentare &c. ad Eccleſ' &c. **car cē poſ** (Eccleſia) **eſt entendꝛ touts dits vn pſonag' Et ſil ſoit vicaragꝫ, dōq̃ t' bꝛ ē,** qd' pmittꝫ ip̄m p̄ſētar̄ ad vic' &c. **Et ſil ſoit p̄bēdꝛ, dōq̃ t' bꝛ ē,** ad p̄bēd' &c. **Et illīt d' chap pel,** ad capellam &c. **ꝛ iſſint coniēt noſm̄ aduowſ. cōe il eſt**

¶ Et home nauera Quare imp̃ de aduocat̃ medietatis,ne de medietate aduocat̃ &c. A

¶ Et si home eit le nomin̄ a vn aduowſ.a lauter ad le pzesentation, sil nosme son Clerke, & cestuy q̄ doit luy p̄sent̄, pzesent vn auter clerke,cestuy q̄ aū le nominat̄ auera Quare imp̄ Et le briefe serra,quod permittat ipm̄ presentar̄ &c. & in son count il declaret̄ lespecial matt̄,& serra bon. B

¶ Et issint si home ad vn chauntrie, q̄ est vn donatiue p ses letters patents,& il dona ceo a vn clerk,que est disturbe per auter,ou auter pzesent a cest chauntrie, ou don̄ ceo per ses letters patents,cesty que ad dzoit auera Quare imp̄ de ceo donatiue,& le briefe serra qd̄ pmitt̄ ipm̄ p̄sentare &c.ad cantariam &c. & ē le count il mīa le matt̄. C

¶ Et si Eueſq̄ soit disturbe a pzesent̄, lou il doit faire collat̄,le briefe serra, Qd̄ pmitt̄ ipm̄ p̄sent̄ &c.& il count̄ sur le collation &c. D

¶ Et issint si le roy soit disturbe a faire collat̄ p ses letters patents a son franke chapel, il auera Quare imp̄, & le briefe serra, Quod pmitt̄ ipm̄ p̄sentare &c.ad p̄bendam in sa franke chapel &c. E

¶ Et Quare imp̄ gist de pziozy ou abbey,& le briefe serra,qd̄ pmitt̄ ipsum p̄sent̄ ad prioratum siue abbathiam &c. qd̄ vide in libro Intrac̄ fol.59. F

¶ Et est aut̄ forme de briefe .s. Quod permittat ipm̄ present̄ ad Eccleſiam dom̄ sancti Martini Briſtoll, q̄ vacat &c. Et issint de hoſpital,& tiels semblables &c. G

¶ Et hōe naūa Quare imp̄, sil ne poit alleg.vn pzesent in luy m̄,ou en son aunt̄,ou en auter person,per que il claim̄ laduowſ.& t̄ en son count, sil ne soit en especial cas, com̄ si home a cest iour fait per licence le roy vn esgl̄ parochial̄, ou auter chauntrie,que serra pzesentable &c.sil soit disturbe a pzesent̄ a ceo, il auera Quare imp̄ sans all̄ alt̄ pzesentm̄t en alt̄ p̄son,& countera sur lespecial matter. H

¶ Et si home recouer aduowſ. p briefe de dzoit vs vn, q̄m̄ lesgl̄ void̄, il p̄senter̄a,& sil soit disturbe, il auera Quare imp̄,& alleg.pzesentment en cēp vs q̄ il recouer sans allege auter pzesentm̄t Et home aūa Quare imp̄,& allege pzesentment p s̄ pzocurator,& serra bon sans allege p̄sentment per luy m̄,qd̄ vide M.17.E.3. I

¶ Et si Abbe ad estē p̄son en personee de temps dōt &c. & puis labbey est dissoluc &c. ore cestuy de que laduowſon fuit tenus pzesentera, & sil soit disturbe, il auera Quare K

impedit saunz alleg. ascun p̄zesentm̄t en le count, mes mꝛe lespecial matter.

L ¶ Si coparceñ sont partiꝫ de p̄senk p toꝛñ, & illint soūt, & puis le puisñ soer deuie sa heire deins age & ē gard l'roy, & puis legl' voida deux ou trois temps durāt le nonag. ihūe le puisñ soer q̄ est en gard̄ le Roy, le Roy p̄senk, & sil soit disturbe, il aūa Quare impedit sole, come appiert M. 22. E. 4. Mes iauant lop̄ del liuer il semble a moy le ley destꝫ conk,

M pur ceo q̄ lenherk del p̄sentm̄t est icū &c. ¶ Si deux soers sont, & ont aduowsl. q̄ happa void̄, le eigñ soer auer̄ le p̄im̄ p̄zesentment. Et illint le baron leigne soer (sil soit tenant p le curtesie del aduowsl.) auer̄ le p̄im̄ p̄zesentm̄t. Et le tenāt en dower auer̄ soꝛsq; le tierce p̄zesentm̄t &c.

N ¶ Si le Roy ad aduowsl. en fee q̄ void̄, & dun̄ iauoid̄ le Roy grant la dowsl. en fee, le Roy ne p̄zesenka a cest auoid̄. Mes si le Roy ad aduowsl. per reason de tempozalk deuescherie q̄st void̄, & dun̄ le void̄ le Roy restoꝛe al Euesq; les tempozalties, dun̄ il p̄zesentera al aduowsl. & nemy Leuesq; pur cest auoidance.

O ¶ Si heire sue liuerie del Roy, & ad ceo, dun̄ le roy p̄zesentera al aduowsl. q̄ void̄ dun̄ le tēps q̄ la dowsl. & fee suit en mañ le Roy.

P ¶ Si hōe soit seisie de aduowsl. en fee en gros, ou appēd̄ al mañ, & la dowsl. void̄, & il deuie, les exek̄ auer̄ l'p̄zesenk,

Q & nem̄ ihē pur ceo q̄ suit chatk vest & seuer̄ del mañ. ¶ Et si hōe soit diss. dū mañ, a q̄ aduowsl est append̄, & la dowsl. void̄, le diss. poet p̄zesenk, & aūa Quare impedit, com̄t que il ad entē en le mañ. Mes si Leuesq; deuie, & aduowsl. happ̄ void̄ deuant son moꝛt: oꝛe le Roy p̄zesenk a tē p reason del tempozalk, & nemy lexeē Leuesq;

R ¶ Jllint si home ad mañ, a q̄ aduowsl. est append̄ en fee,

S & les. void̄ en tēps le pere, & le pere deuie, & s heire in gard̄ le Roy, le Roy auera cest p̄zesentm̄t.

T ¶ Gard̄ en soē de mañ a que aduowsl. est append̄, & la dowsl. happ̄ void̄, heire p̄zesenk, & nēy le gard̄, pur ceo que il ne poet accompt pur cel.

U ¶ Si le Roy graunta a vn Abbe, & ses suck̄ q̄ les moig. auer̄ les tempozalk dun̄ le vacak &c. oꝛe si la dowsl. happ̄ void̄ dun̄ le vacak, les moign̄ p̄zesenk a cel. M. 39. E. 3.

V ¶ P̄zesentm̄t al vicarage apptient al plon de cōmō dōt, mes il poet ces graunk a vn suk en fee p assent del patron & ozdin. ¶ Heire en taile nauera p̄zesentment eschue

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en le vie le k en taill', mes lexer̃ le k en taile. Et iſſint le kinoz auera le pzeſentm̃t q̃ happ̃ dur̃ le terme, com̃t q̃ il ne p̃ſenta dur̃ le terme al aduowſon ꝛc. B

¶ Le Roy poet repell' ſon nominar̃ ou p̃ſentar̃, mes common p̃ſõ ne poit faire iſſint. Et le Roy auer̃ bzief al Eueſq̃ dẽduct vn en pzebẽd, q̃ le Roy ad done a luy, & dadmitt luy vn ſtall en le quier, & vn lieu en le Chapit houſe. C D

¶ Et home aũa Quare impedit de hermitagio, & br̃e ad ducend' eum in corporalem poſſeſſionem. E

¶ Si le Roy recou̇ p Quare impedit, & puis ratifie leſtat lem̃bent, vn̄ al pcheine auoid̃ le Roy pzeſenta, pur ceo q̃ ſ recoũte & iudgem̃t pur luy ne fuit execute. Trin̄ 9. E. 3. Ou en frank Chapit le Roy, lou le Deane doit don̄ lez pzebendꝫ, ſil ne fait collat deins vj. mois a eux, donq̃s le Roy pzeſenta per laps a eux come Ordinarie. F

¶ Et ſi aduowſ. deuient void per vj. mois, a q̃l temps le Roy eſt ſeiſie des tempozalit̃ del Eueſcherie, oze le Roy pzeſent̃ a ceſt aduowſ. ſicome Leueſq̃ ferõ. Et le Roy auera Quare impedit del Subdeat̃ Ebor̃, q̃ void quant les tempozalit̃ Darcheueſch. fuer̃ ẽ maiñ le Roy. Et le bziefe ſerra: Quod p̃mitter̃ eũ præſentare, & vn̄ le Roy don̄ ceſt Subdeat̃ p ſes letters patents G

¶ Ou partiõ eſt fait inter coparceñs p licence le Roy ꝛc. de aduowſ. en Court de recozd, cõe en cõmon Bank, & puis ceſty coparceñ q̃ ad le pchein tozñ deuie, ſ hũe deins age, & en gard le Roy, & Leſgt void, l' Roy aũa Scire fac' vers laut coparceñ ꝛc. ſur ẽ partition, & vn̄ fuit eſtr̃ al partition. H

¶ Et ſi ij. Coparceners font partition de pzeſent̃ p tozñ, com̃t q̃ lũ Coparceñ apzes purp̃ſe ſur lauter Coparceñ, & pzeſenta en ſa tozñ, ceo pzeſentm̃t ne mit̃a luy hozs d poſſ. mes el aũa ſa tozñ quant il auient areſ̃, & auer̃ Quare impedit ou Scire fac' ſur le compoſition, ſil ſoit de recozd, ſi el ſoit diſturbe de pzeſent̃ ꝛc. I

¶ Si Eueſq̃ fait collat, & deuant induct ou inſtallation deuie, & le Roy ſeiſe les tempozalities, il auera ceſt p̃ſẽtm̃t, pur ceo q̃ Leſgt neſt plein vers le Roy tanq̃ le Parſon ou Pzebend ſoit inſtalt ou induct. K

¶ Si Parſõ ad vn Parſonage, & puis pziſt aut̃ benefice ſans diſpenſat̃, oze le pzim̃ benefice eſt void, & le Patron de ceo poet pzeſent̃, car ceſt auoidance eſt appel ceſſion. L

¶ Si en tẽps d vacat̃ de Abbey ou Pziozie, vn Eſgliſe happ̃ void, que eſt de Patroñ Labbe ou Pziozy, & eſtrange M

Vsurp̃ & pr̃sent a ceo, cest vsurp̃ ne pr̃iud̃ le succ̃ss. mes al pr̃cheine auoidance del dit Esgl', il poit pr̃senter & auer Quare impedit: mes aut̃ est si le vsurpat̃ ferra fait ẽ temps son pr̃decessor, car ceo mettera le successor hors de poss. si les vj. mois sont passes.

N ¶ Si vn Vicarage happ̃ void, & deuant q̃ le parson pr̃sent, il est fait Euesq̃ &c. vnt̃ il p̃sent̃ a ceo Vicarage, pur ceo q̃ fuit chattel vestue en luy.

O ¶ Et le Foundr̃ del Pr̃iorie auet̃ Quare impedit vers le Supprior & le Couent, sils luy disturbe a p̃sent̃ al aduow'. q̃ est del mealon, sil happ̃ void dut̃ le vacation, lou le foundr̃ doit auer les temporalties dut̃ cest vacation. Pasc. 9. E. 3.

P ¶ Si hõe tratz vn office troue dũ manor, a q̃ aduowson est appendt̃, & iur le trauerse le Roy iessa le manor a cesty q̃ tendt̃ le trauers saũs faire mention del aduowson, & puis Lesglise voida, ore cesty q̃ tendt̃ le trauers auera le pr̃sent, si le trauers soit troue pur luy.

Q ¶ Si feme soit assigñ le 3. part dun mañ, a q̃ aduow'. est appendt̃ en dower, el auet̃ le tierce pr̃sentm̃t.

R ¶ Si le patron soit vtl'en trñs, & Lesgl' voida, le Roy auera cest p̃sentm̃t pur cause de vtlagary. ¶ Si fee purchase aduow'. & pr̃ist baron, & Lesgl' voida, & estrange p̃sent, & le baron sufferr cest vsurp̃ &c. ore per cest vsurpat̃ la feme sert̃ hors de possess. aps les vj. mois passes, & sert̃ mis al briefe de Droit de aduow'. si el auer p̃sent deuant, & si el nait̃ pr̃sent deuant, el est sans recouerie. Mes auter est si la feme aũ laduow'. y discent, ou p cours deherit̃.

S

T ¶ Si enfant ou feme couert ne pr̃sent deins vj. mois,

U Leuesq̃ p̃sent̃ p laps. ¶ Vn Joint ou vn tenant en cõmon natt̃ Quare impedit pur laduow'. quils ont en common, ou en toint̃, si iun pr̃sent sole, vers son compañ q̃ issint p̃senter. Mes si deux coparceners ne poyẽt agreer en p̃sentm̃t, leigñ soer auera le pr̃mer pr̃sentment, & cesty que ad sa estate aũ le pr̃mer pr̃sentment, & sil soit disturbe p lauter Coparcener, el ou cesty que ad sa estat̃ auera Quare impedit vers lauter soer. Et les Coparceñ, & ceux q̃ ont lour estates p̃sent̃ com les Coparceñ ferr̃, s. leigñ pmes, & donqz le mulnes, & donqz le tierce, & donqz le quart, & issint cõe ils sont dage &c.

X ¶ Si enf. ad manor per discent, a que aduow'. est appendt̃, & iuste vsurpat̃ al aduowson, quant Lesglise happ̃ void, & puis granta la manor en fee a son pleine age, & puis lad-

laduowson happa void, lenfant preſent, & nemy le feoffé. del manor: car laduowson fuit ſeuer per le vſurp, & vn lenfant poit preſenter a cel.

¶ Si tenant le Roy ad title a preſenter a vn aduowson q̄ eſt void, & les vj. mois paſſes, & puis le tēt le Roy deuie auant q̄ Leueſq̄ preſent p lapſ, & ſon heire deins age, & en garō le Roy: oze Leueſq̄ ne preſenter p lapſ. Mes le Roy auera ceſt preſentm̄t per reaſon de garō. P. 18. E. 3. A

¶ Si tenant en taile dō manor, a q̄ aduowson eſt appendō diſcontinue le manor en fee oue aduowson, & puis le diſcontinuee grant laduowson a vn auter en fee, & puis reenfeoffe le tēt en taile del manor, q̄ deuie ſeiſie del manor, oze ſon heire preſentera al aduowson q̄n̄ il happ̄ void, & ſil ſoit diſturbe, il aūa Quare impedit, pur ceo q̄ il eſt remitte al manor, & nad auter remedie a reuen̄ al aduowſon. B

¶ Le def. en Quare imp̄, poit ſuer Quare imp̄ vers le pl̄, ſi ſon Clerk neſt admit ne inſtitute. Et ſi le Clerk le pl̄ ſoit inſtitute & induct pendant le briefe, & nabatera le briefe le pl̄. Mes en t̄ cas, ſi le def. recouer vers le pl̄, il auoidō le Clerk le pl̄. Et iſſint ſi le Clerk le def. ſoit admit pendant le brief vers luy, ſi le pl̄ recouer̄, il auoidr̄ le Clerk le def. Mez ſi le Clerk le def. fuit admit & inſtitute al tempz del briefe purchaſe, & le pl̄ purchaſe le briefe ſolem̄t vers le patron, nient noſm̄ lencumbent, com̄t q̄ le pl̄ recou̇, il ne auoidō le Clerke le defendant, pur ceo q̄ il puit auer luy noſme en le Quare impedit. C

¶ Si vn eſtr̄ preſent a vn Abbey ou Priorie q̄ eſt eligible p le Couent, & eſt inſtitute & induct, com̄t ceſt tozt ſerr̄ redreſſe & reformē apres, Quære. D

¶ Si home ad vn Chappel ou Chaunt̄ q̄ eſt donatiue p ſes Letters patents, & il preſent vn foits al Ordinary ſon Clerk a ceo Chauntrie, il ne ſerr̄ collat̄ apres: Mes com̄t preſent al Eueſq̄, & ſil ne preſenta deins vj. mois aps, Lordinarie auera lauantage del lapſ. E

¶ Preſentm̄t fait per eſtr̄ al aduowſon q̄ eſt appropr̄ al Abbe, ſoit le preſentm̄t fait en temps de vacat̄, ou en temps Labbe, ceſt preſētm̄t eſt void, com̄t q̄ il ſoit inſtitute & induct. Mes ſi Labbe m̄ preſent al Eueſq̄ s̄ Clerk al aduowſon, q̄ eſt appropr̄ a s̄ meaſō, ceſt preſētm̄t diſappropr̄ ceſt aduowſ. & fait t̄ preſent aps: & ſil ne preſent deins vj. mois aps chefcun auoidance, Leueſq̄ preſent p lapſ. ¶ Leueſq̄ doit admitt̄ le Clerk cēy, pur q̄ il eſt troue primes p vn Iure prōnatus. F G

H ¶ Leuesqz naũa aduantage de p̃sent p laps, lou Lesglise auoida per resignat ou pruation, sans doner notice de ceo al Patron.

I ¶ Du Leuesqz refuse le clerke le patron pur non ability, ou pur crime, il couient doñ notice al patron de ceo, autrem̃t il ne p̃sentera per laps, apres les vj. mois passes le patron auera Brief al Euesque si Lesglise soit void, & Leuesqz nad fait collation.

K ¶ Le Chancelor Dengl' p̃sentera a touts les Esgl' le Roy, q̃ sont desouth le summe de xx. marks p an, q̃ sont de doñ le Roy, & en droit de Coronе le Roy: Mez si le Roy ad eux p aut̃ title, le Chancelor naũa ceux p̃sentm̃ts donq̃s.

L ¶ Le mort iun pl', ne le nonsuit iun pl', nabateñ le briefe, mes il serñ seuere.

M ¶ Du enfant ad aduowsl. p discẽt, & Lesglise voida, & cẽp q̃ ad title paramount vsurp̃, & p̃sent a cest Esgl', & les vj. mois passont, ore il est remitte p ceo vsurp̃, & lenfant hors de possess. & sans remedie per ceo vsurp̃.

N ¶ Et si hõe ad aduowsl. & Lesgl' voida, & deux estranges p̃sent seueralm̃t lour clerkes al Euesqz a ceo aduowson, le patron alia diũs Quare imp̃ verz eux, sil voit', & aũa seueral iudgeñts, & recouera seueral dam̃ pur lour seueral p̃sentments, & touts faits.

O ¶ Si home fait vn procuñ de p̃senter a ses aduowsons, & de faire auts choses pur luy, si le procurator p̃senta cõe procurator a cẽp q̃ luy fait son procurator al aduowsl. a q̃ il m̃ ad droit de p̃senter en son droit demesne, cest p̃sentm̃t mettera luy m̃ hors de poss. del aduowson, & gaine poss. a lauter.

P ¶ En Quare impedit pur le Roy, comẽt q̃ le def. ad Briefe al Euesque vers le Roy, le Roy poit suer nouel Quare imp̃ vers luy de m̃ laduoidance, & faire auter title.

Q ¶ Du Prior & Couent doyent eslier Labbe, & luy nom̃ al patron, & il p̃sent luy al Euesqz, & ils eslie vn pur Abbe, & luy nom̃ al patron, & le patron p̃sent aut̃ al Euesqz, ilz suer̃ en Court Christian pur lour remedy, cõe dicitur H. 11. E. 3. Tñ quære: car il semble q̃ ils sont enables de suer p cõmon ley, cybñ come ils sont enables deslier & nom̃ Abbe: Come le Prior de Westm̃ & le Couent ont power de suer hors lour Abbe pur aduowson. M. 20. E. 3.

R ¶ Si le disturbor p̃sent iij. ou trois foits deins les vj. mois, vncore Quare imp̃ gist vers le disturbor sur le prim̃ p̃sentm̃t, sil purchase le briefe deins les vj. mois.

¶ Du

¶ Du home recouer en briefe de Droit de aduowſon, al prochein auoidance il preſent, & auera Quare impedit ſans alleag. aſcun preſentm̃t en luy, ou en les auncestz, mes declarer ſur le record, ou poit aũ Scire fac' ſur le recouery. Et iſſint poit ſon heire aũ Scire fac' ſur ceſt recoũie vers lh̃e lauter party al prochein auoidance apres le recouery, mes nemy apres come ſemble. A

¶ Si home recouer en Quare impedit, il aña Scire fac' vers le patron & iencumbent que fier defaut, ſil voile ſuer execuc̃ de ceſt recouerie. B

¶ Si Coparceners font partic̃ en Chancerie, ou en cõmon banke, de preſenter per turne, & puis eſtrange vſurp̃ en lour ſeueral turnes, vncore apres quãt lour turnes auiẽt, cheſcun de eux poit auer Scire fac' ſur ceſt partition vers leſtrange quant ſon turne auient, a monſtr̃ pur que il preſenk, nient obſtant ceſt vſurpation auant fait. Mes auterm̃t eſt come ſemble, ſi le partition ne ſoit de record, donques ils ſerr̃ mis a lour briefe de Droit, per reaſon de ceſt vſurpation. C

¶ Et ſi Coparceñs font compoſition de p̃ſenk p turne, ſi eſtrange vſurpe, & preſenta en le turne dun de eux, vncore ils poyent ioindr̃ en Quare imp̃ vers leſtrange ſils voilk, nient obſtant ceſt compoſition. Et ap̃s compoſition de p̃ſenk per turne, ſils p̃ſent ap̃s en common, ils purr̃ biẽ ceo faire. Mes ſemble q̃ per ceſt, le compoſition eſt voide, car ſi Coparceners (ou vn eſt deins age) ſont partition de p̃ſenter p turne, & al pleine age ils p̃ſenk contrarie a ceſt partition, ceux p̃ſentm̃ts auoid le partition fait auant. D

¶ Si leigne fits per le pr̃ia venter p̃ſenta, & deuie ſans heire, & puis Leſgt happa void, le puiſne fits per le ſecond venter ne preſenter, ne auera ceſt aduowſon. Mes Deuon dit, ſi home ad deux files p diuers venters, & ils entr̃ & font partition de preſenter per turne, & lun deuie ſans heire de ſoy, lauter ſoer ſerra ſa heire, quod fuit conceſſum. Mes apres le partition, ſi lun ſoer aũ preſent, & puis deuie ſans heire de ſoy, il ſemble que la ſoer de demy ventr̃ ne ſerra heire a luy. E

¶ Si home ſoit diſſeiſe dun manor, a que aduowſon eſt appendant, & le diſſeiſor ſuffr̃ vn vſurpation per eſtrange al aduowſon, & puis le diſſeiſee rẽter en le manor, il preſentera al aduowſon quant il happa void, nient obſtant ceſt vſurpation. F

¶ EST vn maner de suit appell' Spoliation pur les Fruits dun Esgl', ou pur Lesgl' meim, q̄ est destre sue en espiritual Court, & nemy en temporal Court, & pur ceo nest ascū bziefe en le Regiſter de ceo. Mes est bon dēe conus q̄l plon auera cest suit, & deuers q̄l person il girra, & pur q̄l chose il serra sue, & quant il serra sue, & en quel Court.

¶ Spoliac' gist, pmīt per vn Incumbent vers aut Incumbent, lou le dzoit del Patronage ne vient en debate: Come si vn Parson soit cree en Euesqz, & ad dispensation de tener son Rectozie, & puis le Patron pzesent auter Incumbent, q̄ est institute & induct: Ozc Leuesqz auera vers cesty Incumbent vn Spoliation en Court Chzistian, pur ceo que il claime per vn Patron, & le dzoit del Patronage ne vien̄ en debate.

¶ Et issint si Parson accept aut benefice, per q̄ Patron plent aut clerke, q̄ est institute & induct: ozc lun de eux pot aī Spoliation vers lauter, & don̄s vien̄ en debate, sil ad pluralitie ou non. Mes si vn Patron plent vn clerke al advowson, q̄ est institute & induct, & puis aut home plent aut clerk a m̄ ladvowson, q̄ est auxy institute & induct: la lun de eux nauera Spoliation vers lauter sil luy disturbe del Esgilse, ou de pzendze les fruits de ceo, pur ceo q̄ le dzoit del Patronage viendza en debate en spiritual Court, quel de lour Patrons auera dzoit de plent. Et pur ceo en cest cas si lun de eux sue Spoliation vers lauter, il aūa Prohibition al espiritual Court, & nul Consultation serra la graunt pur le cause rehearse.

¶ Et si vn Clerke sans alcun plentation, institution, ou induction, engeit aut Parsō de sa Rectozy, & pzist lez pfits de cel, le Parson naūa Spoliation vers luy, mes bziefe de Trespas, ou Assise de Nouel disseisin, car Spoliac' ne gist sinō vers cesty q̄ vient al possess. del benefice, ou al fruits de cel, p course del ley espiritual, s. per institution, &c. issint q̄ il ad colour dauer ceo, & dēe parson per espiritual ley.

¶ Et issint si pzebend̄ happa void, & Leuesqz fait collation de ceo, & deuant q̄ il est induct, Leuesqz deuie, & les temporalties vien̄ al Roy, & puis il est induct, & puis le Roy dona ceo per ses letters patents a vn auter clerke, le q̄l est institute & induct: ozc le pm̄ clerke aūa Spoliation vers le pzesent le Roy en espiritual Court, pur ceo q̄ le Roy deuer̄ ast luy remoue per Quare impedit, & nemy dauer fait collation come il fist, & la le Patronage ne serra en debate.

¶ Si

¶ Si Abbe ad manoz,a q̃ aduowſon eſt appẽdãt en ſœ, A
& il appꝛopꝛie laduowſon a luy meſm̃ & a ſes ſucceſſoꝛs, &
puis il leſſa le mañ a vn pur term̃ de mille ans, & auꝛy lad-
uowſon,& le leſſee fiſt vnion del Parſonage,& del Vicarage,
& p̃ſent le Vic̃ al Ordinary,cõe Parſon &c. p q̃ Labbe ſue
Spoliation vers l' Vicar,p q̃ le Vicar ſue Prohibic',Labbe
ne poit aũ Conſultation ſur le matter monſtre,p q̃ appiert,
que Spoliation ne giſoit pur Labbe en ceſt cas,car droit del
Patronage vienꝺ en debate.

¶ Et iſſint ſi Abbe ſoit Parſon en parſonee, & eſtrange B
p̃ſent a ceſt aduowſõ ſ̃ clerk,q̃ eſt inſtitute & induct,Labbe
naũa Spoliation vꝰ le clerk, mes briefe de Trõs,ou Aſſiſe,ſil
ſoit ouſte,pur c̃ q̃ le droit del patronage eſt deſtre trie.

¶ Si vn Clerk obtain vn benefice p̃ puiſion, p q̃ le Roy C
eſt entitle daũ le p̃ſentm̃t p̃ c̃ tẽps, p̃ c̃ q̃ le veray patron ne
p̃ſenta deins le tẽpz a luy limit p leſtat̃ E.3.añ 25.regni ſui,
p q̃ le Roy p̃ſenta ſ̃ clerk al Ordinary al m̃ Leſgr',le q̃l eſt
inſtitute,& deuãt induction il pꝛiſt lez p̃fits del benefice:oꝛe
ceſty q̃ eſt einz p̃ puiſion aũa Spoliation vꝰ luy,p̃ c̃ q̃ il ne
viẽt al poſſeſſ. del Eſgr' p foꝛce del ley eſpiritual,mes come
intruſoꝛ & treſpaſſoꝛ. Mez ſi le pꝛeſentee le Roy fuit induct,
donq̃s neſt remedie p̃ ceſty q̃ ad le benefice p̃ puiſion.

¶ Vn clerk aũa coliat̃ p le Roy a vn chappel, & fuit mis D
en poſſeſſ. p le Vic̃,& puis le clerk fuit ouſte p vn Pꝛioꝛ &c.
en cẽ cas il naũa Spoliac',mes Aſſiſe,ou Treſpas,&c.

¶ Mes appiert p le Regiſtr̃,q̃ vn p̃ſon aũa Spoliation vꝰ E
aut̃ p̃ſon q̃ ont diũs patrons &c. ſil ſoit ſpoile de alc̃ diſmes
ou p̃fitz appteigñ a ſa Eſgr' q̃ ne amoũt al iiij.pt del value
Deſgr',cõe eſt dit auant: Mez ſil amoũt al iiij.part Deſgr',
donq̃s lun p̃ſon naũa Spoliac' vꝰ laut̃ p̃ſon, ſinõ q̃ ilz claim̃
dun m̃ patronage,iſſint q̃ le title del patronage ne vienꝺ en
debate, & donq̃s poit auer Spoliation, & ſi lauter ſue Prohi-
bition &c. il auera Conſultation.

20 ¶ Ne admittas.

¶ Ceſt briefe de Ne admittas giſt pur le pr' en Quare imp̃, & F
ceo lou il ad action pendant en le common banke de Dar-
reine p̃ſentm̃t, ou de Quare impedit, & il ſuppoſe q̃ Leueſq̃
voit admitter le clerk le defendant pẽdant le plee enter eux,
donq̃s il poit ſuer ceſt briefe direct al Eueſq̃. Et ceſt briefe
couient eſtre ſue deins les vj. mois apꝛes le voydance, car

apꝛes

apres les vj. mois, il nauera cest briefe, pur ceo q̃ Leuesq̃ poit donq̃ p̃senter p laps, & pur t̃ est en vaine donq̃ de suer cest briefe, pur t̃ q̃ title de presenter est deuolute al Euesq̃. Mes le Roy poit suer cest briefe aps les vj. mois, ion il ad briefe pendant de Quare impedit, ou de Ass. de Darrein presentm̃t, pur ceo que nullum tempus occurrit Regi.

¶ Mes est vn rule en le Register, *sic*: Sed notandum est, qd̃ quando Rex p̃sentat vt in iure Coronæ, tunc incurrit ei tempus: Mes ceo nest tenus ley oze.

¶ Et le briefe de Ne admittas, p Rege est tiel. Rex venerabili in Christo patri W. eadem gr̃a Winton̄ Epis'c' salutem. Prohibemus vobis ne admittatis p̃sonam ad Ecclesiam de I, quæ vacat vt dicitur, & de cuius aduocation̄ contenc' mota est in Cur̃ nostra inter nos & A. *Vel sic*, inter A. & B. donec discussum fuerit in eadem Cur̃, vtrum ad nos an ad præf. A. *Vel sic*, in eadem Curia ad quem eorum pertineat eiusdem Ecclesiæ aduocac', *Vel sic*, inter nos ratione Abbathiæ de S, vacantis, & in manu nostra existentis, & H. Linc' Episcop̃, donec discussum fuerit in eadem Curia nostra, vtrum ad nos ratione vacationis prędict', an ad præfat Episcopũ pertineat eiusdem Ecclesiæ aduocac'.

¶ Et il semble q̃ le def. poit suer cest briefe cybien come le pl', si le def. supp̃ q̃ Leuesq̃ volle admitter le clerk le pl' pendant le briefe. Mes cest briefe de Ne admittas ne gist, sinon q̃ le plee soit pẽdant en Court le Roy p Quare impedit, ou Darrein p̃sentm̃t, & pur t̃ il y ad vn briefe en le Register, direct al chiefe Justice del cõmon banke, de certifier le Roy en son Chancerie, si il y soit ascũ plee pendant deuant luy & ses Cõpaignions p briefe enter tiel & tiel &c. & pur t̃ il semble q̃ le Ne admittas ne serra graunt deuant q̃ le Roy soit certifie en le Chancerie, q̃ tiel plee de Quare impedit, ou Darreine p̃sentm̃t soit pẽdant en le cõmon banke. Mes vnc̃ le briefe de Ne admittas poit estre graunt hors de Chancerie, direct al Euesq̃ q̃ il ne admitta &c. denãt q̃ le Roy soit certifie en le Chancerie, q̃ tiel plee de Quare imp̃, ou Darrein p̃sentm̃t est pendant en le common banke. Et si le veritie soit, q̃ nest ascun tiel plee pendant en le common banke, donq̃ le partie greeue poit require le chiefe Justice de certifier le Roy en son Chancerie, q̃ nul tiel plee est la pendant, & sur ceo le pty greeue auera tiel briefe.

¶ Rex venerabili in Christo patri &c. Licet nos per breue nostrum vobis prohibuimus, ne admitteretis persona ad Eccle-

Eccleſiam de I. *vt in breui de Ne admittas*, quia tamen p̄ certificationē dilect̄ &c. I. de S. nobis conſtat, q̄d nullū placitū p̄ē det in Cur̄ p̄d̄ corā ipſo & ſocijs ſuis Iuſtic' nr̄is de banco, int̄ nos & p̄f. W. de aduocatione p̄d̄, Vobis mandamus, q̄d id q̄d ad offic' v̄rum in hac p̄te noueritis p̄tinere, liberè executiatis, phibitione nr̄a p̄d̄ non obſtante, Teſte &c.

¶ Et q̄n̄t Leueſq̄ m̄ eſt party & diſturboꝛ, donq̄ le foꝛme del bꝛiefe de Ne admittas eſt come auant, Prohibemus vobis ne admittatis, vn̄t le foꝛme del bꝛiefe ſoloit eſtre, Prohibemus vobis, ne conferat̄ clericum Eccleſiæ &c. quæ vacat &c. A

21 ¶ Breue Epiſcopo ad admittendum Clericum.

SI home recouer ſon p̄ſentation en common bank vers Leueſq̄, donq̄ il poit auer bꝛiefe a meſme Leueſq̄ de admitter ſon Clerk, ou al Metropolitan, & le bꝛiefe ſerra tiel. ¶ Rex venerabili in Chriſto p̄ri &c. Cū Prior de I. &c. in Cur̄ nr̄a recuperaſſet verſus vos p̄ſentationē ſuā ad vicariā de W. Vobis mandamus, q̄d ad p̄ſentac' ipſius Prioris ad p̄d̄ vicariam idoneam perſonam admittatis &c. B

¶ Et ſi home recouer vers auter q̄ vers Leueſq̄, donq̄ le bꝛief q̄ ſerra fait al Eueſq̄ ſerra iſſint. ¶ Rex &c. Cū Prior &c. in Cur̄ nr̄a &c. recuperaſſet verſus I. P. &c. Vobis mandamus, q̄d non obſtante reclam̄ p̄d̄ I. P. ad p̄ſentac' p̄d̄ Prioris &c. idoneam p̄ſonam admittatis &c. Et ſur ceo il auera Alias, & Plur̄, ſi Leueſq̄ ne execute le bꝛief, & Attachment vers Leueſq̄ ſi beſoigne ſoit. C

¶ Mes ſi le Roy recou̅ en cōmon bank aſ̄ p̄rebendary, ou ſubdeanry, ou dignity, vers Leueſq̄, & done ceo p̄ ſes letters patents a aſ̄ clerk: oꝛe le clerk m̄a ſez letters patēts en cōmō bank, & ſur ceo il aū̄a Bꝛe al Eueſq̄ de luy admitter &c. Et ſi le clerke deuie auant q̄ il ſoit admit & induct, & le Roy doña t̄ p̄ auk̄ letters patēts a vn auk̄ clerk, cēy clerk aū̄a bꝛiefe hoꝛs del Chancerie, direct as Iuſtic̄ del cōmon bank, rehearſant le recou̅y, Et coñt lauk̄ clerk deuie auant q̄ il fuit admit, & coñt il ad graunt t̄ a ceſty oꝛe clerke p̄ ſes letters patents, cōmaundant ieꝛ Juſtices q̄ ils maū̄d̄ auk̄ Bꝛe al Eueſq̄ de admitter ceſty oꝛe clerke, la collation auant fait p̄ le Roy a lauk̄ clerke nient obſtant. D

¶ En Quare imp̄ enter ꝟ. eſtranges, ſi le title appiert al Court pur le Roy, tils agarū̄ Bꝛe al Eueſq̄ pur le Roy. E

¶ Si

F ¶ Si hõe reẽ aduowſon, & les vj. mois ſont paſſes, vnẽ ſi Eſgl' ſoit void, le Patron poit prier Bre al Eueſque, & aũa ceo, & ſi Leſgliſe ſoit void quãt le briefe vient al Eueſqz, le Eueſqz eſt tenus dadmitter ſon Clerk. Et il ſemble en reaſon meſme le ley, ſi le Patron apꝛs les vj. mois preſenta al Eueſqz, q̃ ſi Leſgliſe ſoit donques void, Leueſqz eſt tenus dadmitter ſon Clerk.

G ¶ Et Quare impedit ſerra ſue vers Subpriorẽ &c. pur diſturbance del Patron. Trin 32. E. 1.

H ¶ Ou le briefe abate pur foꝛme, ou faux Latin, le def. naũa Briefe al Eueſque. ¶ Si le Patron q̃ eſt def. fait defaut al Diſtr̃, & lencũbent abate le briefe p plæ, Briefe al Eueſque ne ſerra agarde pur le Patron, pur ceo q̃ il fiſt defaut.

I ¶ En Quare impedit vers Leueſqz & auters, touts fiẽt defaut foꝛſqz le Eueſqz, il naũoit Briefe al Eueſque verz lez auters tanqz il ad count vers Leueſqz.

K ¶ Si le pl' ſoit nonſue, le def. naũa Brief al Eueſque auant title fait al aduowſon.

L ¶ Ou le def. claim̃ iaduowſon cõe parſon en plonẽ, cõm q̃ le title ſoit troue pur le def. il naũa Briefe al Eueſque.

M ¶ Ou le briefe abate pur miſnoſm̃, ou pur non ſufficiency, le def. nauera Briefe al Eueſque.

N ¶ Si le def. ne vient al diſtr̃ retoꝛn̄ vers luy, le pl' auera Briefe al Eueſque ſans faire title.

O ¶ Si le Vic̃ retoꝛne ſur Quare impedit, qd̃ querens non inuenit pleg', donqz le pl' poit troũ pledges en cõmõ bank, & aũa nouel briefe de Quare impedit en le cõmon bank. Et ſi le Vic̃ retoꝛn̄ ſur ceſt briefe Tardè, & le def. appr̃, & le pl ſoit dõe, & ne vient, le def. nauera Briefe al Eueſque, pur ceo q̃ nul briefe eſt ſerue vers le def.

P ¶ Ou le pl' recoũ per verdict en Quare impedit, & troue p meſme le verdict q̃ les vj. mois ſont paſſes, & q̃ le Metropol' ad preſent, lou le Ordinarie doit auer preſent &c. & q̃ ian eſt oꝛe paſſe &c. vncoꝛe le pl' auera Briefe al Eueſque.

Q ¶ Si home recoũ vers Eueſqz, il poit prier briefe a meſme le Eueſqz, ou a ſon Vicar geñal, ſil ſoit hoꝛs del Realme, ou

R al Metropolitan. ¶ Home ſue diuers Quare impedit vers vn dun m̃ Eſgl', & fuit nonſue en touts foꝛſqz en vn briefe, le def. nauoit Brief al Eueſque tanqz ceſt briefe fuit determine.

S ¶ En Quare imp̃, le def. pled al iſſue, & puis fiſt defaut, p

T q̃ briefe fuit agard̃ pur le pl' al Eueſqz. ¶ Al Diſtr̃ ret vers le def. il vient & priſt iour per Prece partium, & puis fiſt

defaut,

defaut, le pl' naũa briefe al Eueſqz mes nouel diſtr̃.

¶ En Quare impedit, le def. fiſt title pur luy & auters, & puis le pl' eſt nonſue, briefe al Eueſqz ſerra agard̃ ſolement pur le def. & nemy pur les auters. A

¶ Il diſtr̃ retorn̄ vs deux, iñ appeꝛ̃, & lauꝛ fiſt defaut, le pl' naũa briefe al Eueſqz vs cẽſty q̃ fuit def. & vncore poit eſtr̃ q̃ lauꝛ def. poit barrer l' pl'. Mes il eſt vle iſſint a ẽ iour, mes le contr̃ fuit adiudge H. 7. E. 3. pur le cauſe auant reherſ. B

¶ En darr̃ plentm̃t enꝛ deux eſtranges, laſſiſe troue title pur vn auꝛ eſtrãg. q̃ ne fuit ptie al briefe, p q̃ il naũa brẽ al Eueſqz agard̃ pur luy, coment q̃ il ne fuit ptie, pur ceo q̃ le briefe eſt, Quis aduocatus vlr̃ plentauerit &c. C

¶ Du home ad Quare imped' vs vn, & le def. ad Aſſiſe de darrein pſentm̃ vers le plaintife, & recẽ en le darr̃ preſentm̃t, & le pl' eſt nonſue en le Quare imp̃, le def. auer̃ deux iudgemñts vs le pl' dauer briefe al Eueſqz en ambideux acr̃, & ij. briefes ſerra agard̃ denquiꝛ̃ des damñs, mes il ne rendr̃ damages deux foits pur vn m̃ diſturbance. D

¶ Quant home ſue Quare imp̃ vers auter, & puis pẽdãt le ſuit, il ſue Ne admittas al Eueſqz &c. & puis ils accord̃ en common banke de preſenter per turñ a ẽ aduowſon, dõque il auera eſpecial briefe hors del Chauncerie al Eueſqz de admitter ceſty q̃ doit p cẽ accord̃ & compoſition preſenc a ceſt prim̃ turne, & a ceſt auoydance. Mes p̃mes le Roy coment maundr̃ Certior as Juſtiꝛ̃ del common banke, de luy certifier en ſon Chancerie de ceſt accord̃ ia, & ſur ceo certif. le Roy maundr̃ ſon briefe al Eueſque de admitter le Clerke cẽy q̃ p laccord̃ doit auer le prim̃ preſentm̃t & turñ. Et le forme del briefe en le Regiſter eſt tiel. E

¶ Rex venerabili &c. Cum nuper vobis per breue noſtrũ prohibuerimus ne admitteretis perſonam &c. eiuſdem tertię partis aduocac', ac poſtmodum ad proſecutionem ipſorum E. & M. nobis ſuggerent̃ inter eos concordat̃ fuiſſe ſub hac forma, qd' p̃d' E. hac vicè preſentaret clericum ſuum ad dict' tertiam partem, & prędict' M. in ꝓxim̃ vacation̄ ſequeñ clericum ſuum p̃ſentabit, ſicut per quedam ſcripta indentata inter eos confecta, & ſigillis ſuis conſign̄, & coram nobis in Cancellaria noſtra oſtenſa, plene liquet, ipſoſque peñ vos proſecut̃ fuiſſe petend' cum inſtantia, vt clericum ipſius E. hac vice ad dictam tertiam partem admitteretis, iuxta formam concordiæ prædict': Vos tamen afferent̃ manus vr̃as p̃textu prohibitionis noꝛ̃ p̃dict̃ ligatas, clericum ipſius E. ad F

mittere

mitter recusasse,& nobis supplicant, vt sibi ne collatio tiæ partis pd' ad vos p lapsum temporis q in proximo vt dicit imminebit hac vice deuoluatur,velimus de cõgrua appositione remedij in hac pte facer prouideri, mandauerimus dilecto & fideli nro R de N. qd' ipse cognitiones, quas præfati E.& M. coram ipso facere velint, vtrum vz ipsi super iure psentandi ad tertiam ptem concordati essent in forma pd', & si pd' M. vellet, qd' clericus p ipsum E. ad eand' 3. ptem presentatus hac vice admitteret ad eandem reciperet, & si dicta scripta essent facta ipsorum E. & M. & nos inde in Cancellaria nra sub sigillo vro distincte & aperte redderet certiores. Et quia præf.R.nos ad mandatum nrm certificauit, qd' concord' est inter præf.E.& M. qd' pd' E. hac instante vacatione psentabit clericũ suũ ad dictã tertiam partem & præd' M.in proxim vacatione sequen,& sic præd' E.& M.& hæred' sui ad tertiã partem pd' alternatim imperpetuum presentabunt.Et qd' ad conuentionem illã firmiter obseruand' scripta præd' inter partes pd' sunt confecta: Vobis mandamus,qd' idoneam psonam ad pd' tertiam ptem ad presentac' pfat E.hac vice admittatis,& vlterius qd' vro incumbit officio in hac pte (prohibitione nra pd' non obstante,) Teste &c.

G ¶ Per cẽ brieue il semble, q home aũa Quare imp,qd' pmitt ipm psentar ad tertiam ptem eccl'iæ, & see de estoyer oue reason,car consolidatiõ pot estre fait del trois aduoysons,& chescun patron de psent per tut,& donqs chescun ad en droit forsque le tierce part.

22. ¶ Prohibition & Inhibition.

H SOnt diuers maners de Prohibitions & Inhibitions & pot: ent estre direct cibien al temporal court, come al court espiritual. Et vn brieue est en le Register,lou home sue Precipe in capite vers auter en common banke des terres ou tenements queux ne sont tenus del Roy, mes dauter seignior, donqs le seign de q les tenemts sont illint tenus, pot pursuer cest brieue direct as Iustices del comon banke,eux commaundant q sil pot appr a eux, que les terres ne sont tenus de roy &c. mes dauñ immediat, q donqs ils ne eux intromit de conus. de cẽ plee,mes q ils dient al ptie ỏ suer brief de droit patent,si sibi viderit expedire. ¶ Et en br de dr,si le t vouch forrein a garrantie,le t dõqs aũa brief de Supsed direct

direct as Bailies de m̃ le court, de surceaser de plee tanqz le pl̃ de warr̃ soit determ̃, & si les bailies ne voilent surceas. p cel briefe, donqz le ꝑ auera vn briefe de Inhibition direct al vic̃, q̃ il aleꝝ al dit court, & de inhibiter les dits bailies, que ils ne ꝓceder̃ en le dit plee tanque le garr̃ soit determin &c. & sils ne voil̃ surceas per ceste briefe, donqz le ꝑ auera attachment vers les dits bailies direct al vic̃ retorñ en common bank, ou en bank le Roy.

¶ Prohibic' direct al vic̃ al suit le ꝑ, que il ne teñ plee en briefe de Droit, nisi duellum in de vadiatum fuerit, pur ceo q̃ le ꝑ luy ad mis luy sur le grand assise &c. ℂ Et home poit aũ bre de Prohibic' direct al vic̃ de aler al court le sr̃, & de inhibit les Bailies, que ils ne teneꝝ plee en le court lour sr̃ de vn mesne &c. int̃ A. petent̃ & B. tenent̃. Et poit aũ aut̃ briefe al vic̃ de ꝓhibit̃ le sr̃ m̃, q̃ il ne tiendr̃ plee &c.

℄ Et auxy le ꝑ poit aũ aut̃ Prohibic' direct al vic̃ de ꝓhibiter les bailies deuischerie del hundred de T. q̃ ils ne tenera plee en le dit hund̃ inter A. pet̃ & B. teñ de consuetudinibus & seruitijs, que idẽ A. de eo exigit de liber̃ teñto, qd' de eo tenet in J. nisi duellum ind' vadiat̃ fuerit, pur ceo q̃ le dit B. ad mis luy sur le grãd assise &c. Et si tenãt p reicelt sue tiel ꝓhibic' al vic̃, le briefe doit faire mention del receit.

℄ Lou Eueſqz tient plee de aduocac̃on, ou de quart part de ceo, ou del iij part, donq̃s le party def. aũa briefe de Prohibition direct a m̃ Leueſqz en tiel forme.

¶ Rex venerr̃ in christo patri A. eadẽ gr̃a Epo Winton̄, & eius offic', ac eorum Commiss. salutem. Prohibemus vobis ne teñ pl'it̃ in cur̃ christianitat̃ de aduocac' eccl'esiæ de N. vel medietat̃, vel tertię partis, vel quartæ partis eccl'iæ de N. vnde S. & F. querunt̃, quod R. trahit eos̃ in pl'itum coram vobis &c. ℄ Et poit auer ꝓhibit̃ al ptie mesm̃, ne sequatur p ceux paroix, Prohibem⁹ tibi ne sequaris pl'it̃ in curia christianitatis de aduocac' &c. vnde C. queritur, qd' tu trahis eum in cur̃ &c. Et poit auer Attachment vs luy sur ceo, sil pursue apres ꝑ q̃ briefe vient a luy.

℄ Et le Roy poit suer ceste briefe pur luy m̃, comẽt q̃ le plee en court christian soit enter deux cõmon psons, pur ceo que le suit est en derogation de son Coron̄e. ℄ Et le Roy poit suer Attachm̃t sur ceo sils ꝓceed̃ &c. Et en temps de vacat̃ deuesche̅re, le prohibic' serra direct al gardein despiritualties, & eius Officiali ac Commissarijs. ℄ Et ꝓhibic' gist p chauntries, chapels, prebends, & vicarages &c.

℄ Si

H ¶ Si home ſue auꝰ en court Chriſtian pur chaꝰ où det, l'det. auera Prohibition, & le briefe ſerra, Prohibemus vobis ne teñ pl'itum in cur̃ Chriſtianitatis de catallis vel debitis &c. Et poit aũ briefe direct al ptie q̃ il ne ſueꝰ ia &c. & auera Attach. ſur ceo vis purſueꝰ apres &c. Et auxy le Roy poit ſuer le briefe, & poit eſtre direct al Judge & al ptie. Et l'roy poit ſuer Attachment ſur ceo.

I ¶ Si home ſue auꝰ en court chriſtian pur lay fee que eſt pur tre ou teñts, ou tiel ſemblꝰ, donque il auera phibic̃, & le briefe ſerra. Prohibemus vobis &c. ne teneatis &c. de laico feodo Regis in S. vnd' queritur, quod H. trahit eum in pl'itum &c. Et poꝛt auer auꝰ briefe vs le ptie &c. ne ſequat &c. & poit ſuer Attach. ſur ceo. Et le Roy poit ſuer le bñ &c. & aũ attach. ſur ẽ. Et poiet ſuer attach. vs le partie ſolemt, ou vs le Judge ſolemt, ou vers ambideux, al electc̃ del pty q̃ voile ſuer. Et ſi le Judge demurẽ en vn countie, & le partie en auter county, donqꝫ ſil voile ſuer attachment vs ambideux, il couient ſuer ſeũal brieſes. Et iſſint il ſẽc ſil ſue ſeũal phibic̃ vers eux, il couient ſuer ſeũal attachmẽts vers eux, ſi voil' ſuer vers ambideux, coment q̃ ils ſont demurrants en vn countie.

K ¶ Et home auera attachmẽt ſur Prohibic' vers le Judge, ſil reſuſe de receiũ le phibic', & de ceo admitt̃.

L ¶ Et phibic' giſt, ſi home ſoit ſue en court xp̃ian p̃ collation de Scholes de Grammar.

W ¶ Si home ſue auꝰ pur trñs en court xp̃ian, le roy ou le ptie aũa phibic' & attachmẽt, come auãt eſt dit al Judge, ou al party, ou al ambideux.

N ¶ En caſes home aũa pꝛohibitiõ lou il eſt ſue en eſpiritual court pur diſmes de ſes terres, Come ſi home ſoit tenant le Roy, & tient de luy en chiefe per ſeruice de chiſer, & eſt ſue en court chriſtian pur tythes de ſes demeane terres, il aũa phibic̃, pur ceo q̃ ceux tres poient deuener en mains le Roy per reaſon de gard, ou per eſcheat, & donqꝫ per caſe le Roy ſerra charge autemt q̃ il deueꝰ eſtre charge, & pur ceo couient eſtre trie en le Chancerie deuant le Roy.

¶ Et iſſint ſi Eueſqꝫ graunta a p̃ſent del eſgl de Lincoln les diſmes de ſes demeane terres a luy & a ſes ſucceſſors, ore ſi le pꝛeſentor ſoit empleꝺ en court chriſtian pur ceux diſmes, le Roy grantera phibic', & le forꝫm del briefe eſt tiel.

¶ Rex tali Iudic' ſalutem &c. Monſtrauit nobis venerabil' p̃ Linc' Eps, quod cum I. p̃ſent̃ in eccl'ia beatę Mariæ Linc', teneat de dono ſuo omnes deciꝰ dñicarum trarũ ſuarũ, vel dñici ſui de N. quas id' Eps & p̃deceſſ. ſui epiſcop̃ loc

prædicti

prædicti conferr̃ consueuerunt: prior sancte Katherine extr̃ Lincolñ clamans decimas illas ꝑtinere ad eccl'iam de B. trahit eum inde in placitum &c. Et quia p̃d' placitum tangit coronam & dignitatem nostram, presertim cũ collatio earund' decimar̃ ad nos possit deuolui ratione custodiæ vel escaet, quia etiam consimiles decimas conferrim⁹ in quibusd' dñicis, & similit quam plures Magnates regni nr̃i in dñicis suis, vobis ꝓhibemus &c.

¶ Auxy hõe pott suer ꝓhibic' direct al bic̃, q̃ le vicõt ne pmit̃ ne suffer les lay subiects del Roy de veñ a aſcun lieu al citar̃ del Eueſq̃ ad faciend' aliquas recognitiones, vel sacr̃m prestand', nisi in causis matrimonialibus & testamentarijs. Et le ptie pott auer attachyment sur r̃ ẽs leueſq̃, sil cite ou dist̃ aſcũ dappear̃ deuãt luy a faire aſr̃ seremt al pleſus leueſq̃ enconr̃ la volũt cestuy q̃ est illint soñ ou cite: e p r̃ appiert q̃ ceux general citatiõs, que Leueſques font de cr̃ homes dappeř deuãt eux pur saluř anime, sans expzes aſr̃ cause especialm̃t, sõt encounr̃ ley. Et le ptie pott suer ꝓhib. ẽs Leueſq̃ pur cel, e attachm̃t sur ceo. Et sil expzei cause ẽ le citation, il sẽe p le bzeue auant, q̃ il couient estre p cause de matrimonie, ou testamentarie. A

¶ Si home conuſt en court Chzistian, q̃ il doit a vn auter C.s. a paier a luy al certaine iour, e apres ne paia cel ac. sil soit sue pur cel det en court chzistian, il auera ꝓhibic' e attachment sur r̃. Et issint sil conuſt ẽ court chzistian, q̃ il deueř pay a vn tiel C. m̃ks a tiel iour ac. il ne serra sue en court chzistian pur cel det, e sil soit il auera prohibic' e attachm̃t sur r̃. Mes si home per reason de matrimonie ou testament conuſt en court chzistian, q̃ il deuer paie C m̃ks, ou auter suñ a certein iour ac. la sil ne pay al iour accrzũ a son conusance, il serra sue en court xp̃ian pur cel, e nul prohibic' gist la. B

¶ Et si home reconuſt en Court chzistian de paier certein det a certeine iour ac. e ne paya ceo al iour, per q̃ laut̃ sue luy en court chzistian, e la luy excommenge, pur ceo q̃ il ne paya ceo al iour, lauter partie auera Prohibition vers luy ac. C

¶ Et si home recoũ det ẽs auter en court chzistian, e puis sue en Court Chzistian dauer execut̃ de cest det, le partie greeue aſia prohibic' vers luy e vers le iudgr, e attachment sur ceo. D

¶ Et si home soit endet al Roy, ou tenus de luy rendr̃ E

accompt &c. & puis ses executors sont sues en court xpian pur recogn̄ de det fait en m̄ le court q̄ ne touche matrimonie ne testam̄t : donqz les executors aūont ꝓhibic' vers le Judge &c. rcher̄ tout le matt̄ especial &c.

F ¶ Du Abbe ou Eueskz, ou autr̄ ꝑson q̄cunqz, q̄ sue vn en court chzistian, pur ceo q̄ il pzist toll', ou auter imposition, ou custome de ses tenants &c. la partie greeue auera prohibition vers luy, ou le Roy saera cest ꝓhibic' & attachm̄t sur ceo &c.

G ¶ Du home grant parcel de son mañ a vn ꝑson & lee de estre quite des dismes, & fait indenture, & le person̄ y lassent del Ordinarie grant a luy, que il serra q̄te des dism̄ de son mañ pur cest parcel del ẽre &c. apzes sil ou son assignee soit implede en court chzistian pur dismes de son mannoz &c. ou dascun parcel del manoz, il, ou son assignee aūa prohibition sur ceo fait, & si cest fait fuit fait deuant tẽps de memoz, & ad illint cōtinue destre q̄te des dism̄ de son manoz, semit q̄ il auera ꝓhibition, sil soit oze impled̄ pur dismes pur cel manoz, ou ꝓ̄ pur al' ꝑcel de ceo sur cest matter monstre.

nota bene. quit of paying by ... by ... ... & ... ...

de ꝑſon, q̄ vn Abbe noſmera vj. perſons, & q̄ auk eſlier & preſentera vn deux deſtē ꝑſon al ordinarie, ore ſi ceſty que preſenta eſt ſue en eſpirituel Court, pur ceo q̄ il ad preſent vn al ordinarie deſtē ꝑſon, il aūa Prohibition ſur ceo, vers ceſty q̄ luy ſue. Et ſi le ſuppoſe & Couent ſue en eſpirituall Court pur auoider tiel preſent, il auera Prohibition vers le Judge &c.

¶ Et auxy le Roy ſuet̄ Prohibic' direct al ordinary, q̄ il A
ne viſitet̄ les hoſpitals q̄ ſont del foundac̄ le Roy, ou de les
pgenitors, p̄ t̄ q̄ le Chaunc̄ Dengl' deuet̄ eux viſit, & nul
auk: & iſſint eſt des frank Chappels le Roy, ou de les pge-
nitors, nul ordinary viſitet̄ eux, ſinon le Chanc̄ Dengl' &c.

¶ Du cōmon ꝓſon eſt founder de Hoſpital q̄ eſt donatiue B
p les letꝛs patents, & ē tout en tēporalties, ſi lordinary voil'
viſiter tiel Hoſpital, le found̄ aūa Prohibition vers luy &c.
Ou ſi lordinary voile cit̄ aſt̄ dez poū homes dappet̄ deuant
luy pur cauſes del Hoſpital, ou a luy remoū &c. le found̄ ou
ſon heire auera Prohibic'. Et tiel Hoſpital poet eſtr̄ append̄
al mañ cybien come aduowſ. Deſgk. Et ſi hōe recouer ſon C
preſentac̄ per Quare impedit, & ad ſon clerke admit & inſti-
tute, & auk clerk q̄ claim̄ aduowſ. p̄ puiſon del ꝑope ſue en
Court Chriſtian dauoider & anouer lauter clerk, le patron
q̄ ad recouer ſon preſentm̄t &c. auera Prohibic' as Judges
de ſurceſſer &c.

¶ Iſſint ſi le Roy ad title de preſent̄ al aduowſ. p̄ reaſon D
de gard en ſa main eſteant, & apres les vj. mois paſſes pre-
ſent al Eueſq̄ ſon clerke, q̄ eſt admit & inſtitute, & Leueſq̄
p̄ſent ſon clerke deuant a m̄ Leſg' p̄ laps &c. q̄ fuit admit &
inſtitute &c. p q̄ le clerke Leueſq̄ ſuit en Court Chriſtian
le clerk q̄ eſt preſent p le Roy: ore ceſty clerke preſent p le
Roy aūa Prohibition direct as Judges &c. q̄ ilz ne p̄cedet̄
ne traheꝛ luy en plee &c.

¶ Si hōe ſue preſt, ou moigñ, ou chanō, ou clerk en tem- E
poral ley en trñs ou det, & cauſe luy deſtē attach. p le corps,
ſils ſue pur cel attach. en Court Chriſtian Citation vers
luy de violenta manuum iniectione in clericum, lautet aūa
Prohibition direct as Judges &c.

¶ Et ſi homes ſont iurē de doñ euidence a aſt̄ enqueſt, & F
ils font iſſint: p q̄ certaine ꝓſons ſont indites, ſi ils q̄ ſont
indites, ſuet̄ en Court Chriſtiā vers eux q̄ done euid̄ vers
eux pur diffamation, ils auet̄ Prohibition &c.

¶ Lou hōe ſue en Court Chriſtian p̄ eſpiritual cauſe, & G

le partie defend̄ purchase Prohibition direct as Judges [illegible] & ceo deliū, & pur ceo les Judges la luy excommeng. pur [illegible] offēce q̄ il fist a Saint Esgl' de poz̄ Prohibic' a eux & [illegible] espirituel, le party issint excōmenge aū a nouel Prohibic' [illegible] cest matē, eux cōmand̄ de ē reuoker &c. Car hōe ne ser̄ [illegible] ny pur suer des briefes en Court le Roy, soit il ad dēt [illegible]

H toz̄t. ¶ Si Clerk de Chaunc̄, ou alē de ses seruants ou [illegible] Custos magni sigilli, ou alē de ses seruants, ou le Chācel[illegible] ou alē de ses seruants font alē trūs en Lond̄ ou auks [illegible] q̄cunqz, & iz sont sues pur cel trūs en Lond̄ deuāt lez [illegible] ou Maioz la, ils auer̄ vn Supers. hors del Chaunc̄ direct [illegible] Maioz &c. d̄ surcell. & d̄ dire al party de suer ē Chancer[illegible] sil veie q̄ il soit a luy expedient. Et sont diuers formes [illegible] ceux briefes en le Regist', & lan briefe rehersa coūt cē cu[illegible] & priuil' fuit confirme p assihoritie de Parliamt, an 18.E.3.

I ¶ Si feme ad title de suer Cui in vita, & el fait ferem[illegible] tenant, q̄ el ne voile suer Cui in vita vers luy, si el aps [illegible] Cui in vita per que le ten̄t fuist luy in Court Chzistian po[illegible] lęsione fidei, el auer̄ Prohibition, pur ceo q̄ le ferem̄t touc[illegible] tempozal chose, s. ter̄.

K ¶ Si ij. seueral patrons p̄sent seueralm̄t al Eueqz, & [illegible] ceo iun sue Quare impedit, ou Assise de Darrein p̄sentmen[illegible] vers auk, & recou̇, & ad s̄ clerk admit, p q̄ le clerk lauk [illegible] clerk cesty q̄ recouer̄ p voy de appel, ou auterm̄t in le Cour[illegible] Archeueqz pur ceo q̄ il ne fuit admit al p̄zesentm̄t de [illegible] patron, oze le patron q̄ recouerast auera Prohibition direct [illegible] al Archeueqz &c. ou vers le clerk q̄ sue la pur cest cause, [illegible] il ne pursue la pur cest cause &c.

¶ Et issint ē si le patron soit disturbe per p̄zesentment [illegible] auk estranger, & le clerk le disturb. sue en Court Chzistian [illegible] le clerk le veray pak, ou e contra le clerk le veray patrō [illegible] en Court Chzistian le clerk le disturboz, cēy que est grem[illegible] auera Prohibition.

L ¶ Et si le Roy fait collation a alē p̄zebend̄, ou recoun[illegible] collation a aicun p̄zebendarie & ad son clerke admit, & pu[illegible] cesty clerke est vexe ou sue en Court Chzistian p meann[illegible] de appellation ou commission, ou auter cause, per quel le[illegible] tie del collation poet dener en debate, donques le Roy au[illegible] ra vn Prohibition direct as Judges &c. ou le suit est, com[illegible]

M maundant eux, que ils ne procedē. ¶ Et si le Roy recoun[illegible] son collation ou p̄zelentac̄ a aicun Esglise, & puis lexe cu[illegible] del iudgemēt est disturbe p Appeales, ou Citations, ou au[illegible]

ters

ters tielx meanes, ou si aps q̄ ſon clerk eſt induct, le clerk le Roy eſt vexe p Appeales, ou Commiſſions, ou Citations en Court Chriſtian pur ceſt cauſe: donq̄s le Roy aueꝝ bꝛe direct al Viꝝ, Maiozs, & auꝰ officers de p̄nd̄re & attacher les cozps de ceux q̄ facēt tielx impedim̄ts de diſturber lexecuc̄on del iudgem̄t, ou de tielx p̄ſentations ou collations faitz p le Roy. Et auxy aueꝝ bꝛiefe de Prohibic' a les Eueſqꝫ & a lour offic̄ &c. q̄ ils ne riens facꝝ q̄ ſerꝝ en derogac̄on de ſon p̄ſentm̄t, ou collac̄, ou execuc̄ de iudg. done pur luy &c. ¶ Et auxy le Roy poit ſuer tiel Prohibic' direct al party m̄, q̄ ſue tielx Appellations, P̄ꝛouocations, Citations, Inſtrum̄ts, ou P̄ꝛoces, &c. q̄ il ne purſuec̄ tielx &c. ou p̄mitt tielx Appellations, Citations, P̄ꝛouocations, ou Impediments deſtr̄ ſue loy ſciant. Et le Roy auera Attachm̄t ſur ceo, direct al Viꝝ &c. ſi le party purſue ou ſuffr̄ deſtr̄ purſue tielx &c. encounter ceſt Prohibition.

¶ Si le Roy recoū ſon p̄ſentm̄t a aſ̄ Eſglíſe, & ad Bꝛe al Eueſq; &c. de amoū lencumbent lauk, p q̄ lencumbent ſue & appeal al Court del Archeueſqꝫ &c. p q̄ Larcheueſqꝫ manḍ Prohibic' al Eueſqꝫ, q̄ il ne admitt le clerk le Roy pend̄ ceſt appeal &c. donq̄s le Roy aū bꝛiefe direct al Archeueſqꝫ & a ſes officers, de remoū ſon Inhibition, & q̄ ils rīēs ferra, ou ſuffr̄ deſtre fait p auk̄z q̄ ſerra en derogation de Cozone & droit le Roy. Et aueꝝ auk̄ bꝛiefe vers lencumbent, q̄ il ne purſuec̄ tielx Appeales, P̄ꝛouocations, ou auꝰ P̄ꝛoces, ou Impediments. Et auxy le Roy poit auer Attachm̄t direct al Viꝝ vers tiel incumbent, ſil purſue aps tiel Prohibition a luy direct &c. A

¶ Et appiert p le Regiſter, q̄ auk̄ cōmon plon q̄ recoū ſon p̄ſentm̄t, ou ad title de p̄ſenk, aū tielx bꝛiefs de Prohibition direct as Judges eſpirituel, ou al pty, q̄ il ne p̄ced̄ ou purſuec̄ tielx &c. Et auxy Attachm̄t vers eux ſils purſue, ou p̄ced̄ aps. B

¶ Et ou le clerk le Roy eſt en poſſeſſion p tiel recouer̄, & puis eſt diſturbe p cerk̄ plon oue fozce & armes, q̄l ne poit p̄nd̄re les diſmes & p̄fits de ſa Eſglíſe, il aū donques eſpecial cōmiſſ. direct al Viꝝ ou auꝰ officers le Roy de p̄nd̄re tielx perſons, cybꝰ deins liberties come dehozs, & damelner eux al gaole, & la a demurrer tanqꝫ ils ont auk̄ commaundement del Roy.

¶ Et ſi le Roy recoū ſon p̄ſentm̄t, & ad Bꝛe al Eueſque, p q̄ ſon clerke eſt inſtitute & induct: Ozes ſi Leueſqꝫ al ſuit de auters ad p̄ducak̄ ou inſtruments de citer lencumbēt le C

Roy al Court del Rome, ou a ploꝛs, hoꝛs de Realm: donqꝫ le Roy aũa Prohibic' direct al Eueſqꝫ, q̃ il ne cit, ne fac' citari tiel Incumbent ꝛc. e le Roy poit aũ Attachm̃t ſur ceſi ꝛc. Et il ſẽble q̃ le Roy aũa ceſt Prohibition ſanꝫ aſt' reconꝰte auant ew, ſi ſon pꝛeſent ſoit inſtitute ꝛc. ¶ Et iſſint ſemble q̃ vn cõmon plon aũa e ſuer Prohibic', qñt le ſuit a a trier le title del p̃ſentm̃t ou collac', vnt les bꝛiefs en le Regiſter parle del recouerie ꝛc. ¶ Si home fait ſeremt a moy enfeoffer auant tiel iour ꝛc. ſil ne moy enfeoffa, ne puis luy ſuer in Court Chꝛiſtian, p leſione fidei, pur ceq̃ fact q̃ ſerra fait, eſt vn tempoꝛal act, e ſerra trie p le common ley, ſil ad ceo fait, e pur ceo ſil ſoit ſue en Court Chꝛiſtian pur ceo cauſe, il aũa Prohibic'. ¶ Et ſi home ſoit ſue en Court Chꝛiſtian, e leꝛ Judges la ne voil' graunt al def. copie del libel, donqꝫ il auera Prohibic' direct a eux de ſuer ꝛc. tanqꝫ ils ont deliuer copie del libel, ſolonqꝫ leſtat ent hait añ 2. H. 5. Et auxy le def. poit aũ action vers eux ſur leſtat, ſils ne voil' deliuer a luy copie del libel, ſoit le cauſe del libel ſpirituel ou non.

¶ Si hõe fait deuiſe de terr̃ ou tenem̃ts deuiſable, le pty a q̃l deuiſe eſt fait ne ſuer en Court Chꝛiſtian p auer le fee ou tenem̃ts illint deuiſes, mes ſil r̃ fait, lauit pty aũa Prohibic'. Mes ſil fait deuiſe de bñs ou chateux reals, cõe terms dans, ou gard, la il ſuer en Court Chꝛiſtian pur ceſt.

¶ Si hõe ſue en cõmon bank vn pur trñs, ſil luy ſue a Court Chꝛiſtian p m̃ le cauſe, il poit mẽe ceo en le common bank, e aũa Prohibic' illonqꝫ direct as Judges ꝛc. Et iſſint touts foits qñt le matr̃ eſt pend en le cõmõ bank, ſil ſue pur ceſt cauſe en Court Chꝛiſtian il aũa Prohibic' hoꝛs de cõmon bank. ¶ Mes hõe aũa Prohibition hoꝛs de Chancerie, ou de banke le Roy ſur ſon ſurmiſe, ſurmitting q̃ il eſt ſue en Court Chꝛiſtian pur tempoꝛal cauſe ꝛc. comt q̃ il neſt ſue en bank le Roy, ne ploꝛs, pur ceſt cauſe.

¶ Si hõe ſue Quare imped, e deliuer r̃ de recoꝛd comt il poit, e puis le def. ou ſon clerke ſuz Citation vers le p̃ſent le pl', oꝛe le pl' en Quare imp̃ auera Prohibic' en cõmõ bank ſuant le retoꝛn̄ del bꝛief de Quare impedit, pur r̃ q̃ appiert de recoꝛd, q̃ tiel Quare imp̃ eſt pendant.

¶ Si Parſon graunta a vn deſtr̃ diſcharge de diſmes de ſes tres p̃ſ fait ꝛc. e puis il luy ſue r̃ Court Chꝛiſtiã pur ceux diſmes ꝛc. eſt dit q̃ il auera Prohibition, pur ceo que il poit pleder ceſt matter en Court Chꝛiſtian pur diſcharge

luy des dismes &c. Mes sil fait sur composition fait auant temps de memorie, & ore le plon luy sue pur dismes de ceux terres: la il auera Prohibition vs le plon &c. Quære le diuersitie, car semble q̄ il auera Prohibic' en ambideux cases: le case est Mich.8.E.4.fol.14.

¶ Si home pmise vn x.l. sil voit marie sa file, sil marie la file, & lauk ne voit payer le money, il ne suer luy en Court Christian pur cel, & sil fait, il añ̄a Prohib. Mes si pmist vn oue sa file en mariage x.l. &c. sil marie le file, & il ne paya ceo, il suera luy en Court Christian pur cel x.l. pur ceo q̄ il concerne matrimonie, qd' vide diuersitie añ̄ 22. E.3.li. ass.

¶ Si le testator charge ses execuks de paier ses dets a ses creditors, sils ne paia ē, les creditors suer p̄ ē en court christiā, & ils añ̄ont nul ꝓhibic', car cē charge p̄ le testator est come vn deuile fait a ses creditors, qd' vide Hil.9.H.3.

¶ Si home done biens en mariage oue sa file, & puis ils sont deuorces, la feme suera en Court Christian pur ceux bñs, & nul Prohibic' gist de ceo.

¶ Si estrange disturbe les executors de pformer le testam̄t, ils sueront luy en court christian, & nul Prohibic' gist vers eux pur ceo, Trin.4.H 3.

¶ Si home sue Prohibic', pur ē q̄ il luy trahe en court christian de aduowson de Eglise &c. sur le Attachment sur cest Prohibic' sue il poit counter, q̄ il luy deforce del grosse dismes & meinder dismes &c.

¶ Si vn parson sive añ̄ plon en court christian pur dismes des garbes prouenents de C. acres de terre infra fines & limitē pochiæ suæ existent̄, per que le patron lauter plon purchas Indicauit al Judge espiritual de surceser &c. donques poit le parson que sue en court christian, vener en Chancerie, & auera Bre al Euesq; denq̄rer vel veray value del esgl' auantdit, sc̄dm taxationē decimæ nunc cui ī, quam super valore decimarum petitarum: & de certifier le Roy en son Chancerie de ceo per ses lres south son seale oue le dit bzieue. Et il semble, que il couient faire illint auant que il auera Consultation graunt en ceo case.

¶ Si Leuesq; voit citer ou compeller les Chapleins l' Roy, ou les Masters del chancerie, queux sont chapleins l' Roy, de faire personal residence sur lour benefice quant ils sont attendants en seruice le Roy, ils poient añ̄ vn Prohibition al Euesque &c. & sur ceo Alias, & Pluries, & Attachm̄t. Mes sils ne sont attendants en seruice le Roy, donques

lordinary poit eux compeller, de faire personal residence sur lour benefice. Et le forme del brefe est tiel.

¶ Rex venerabili &c. Cũ Clerici nri ad faciend' in beneficijs suis residentiam psonaliter, dum in nris immorant obsequijs cõpellari alias super hoc molestari seu inquietari non debeant: nos, ac pgenitores nri quond' Reges Angl' hmodi libertates & priuilegia pro clericis nris à tempore quo non extat memor semper hactenus vsi sumus: Vobis mandamus, quod dilect clericum nrum psonam Ecclesiæ de B. &c. quæ per præcept nrum in Cancell' nra nris iugit intendit obsequijs ad personalem residentiam in benefic' suo &c. dum in eisdem obsequijs nris immorat nullatenus compellatis &c.

¶ Et si Chapleine le Roy soit eslieu Deane dask Esgt, le quel office require personall attendance & residence, & le Eueskz voille cõpeller luy de assum̃ cest Deanrie, q̃ require cest personall residence p censures espiritual & citation &c. donques il auera Prohibic' al Eueskz per ceur paroix: Vobis district' ꝓhibemus, ne ipsum A. ad residentiam aliquam in benefic' suo faciend', seu assumend' officium ꝓd', vel aliqd hmodi residentiam requir', dum obsequijs nris ꝓd' sic intenderit quoquo modo compellatis, & sequestr', si qd in fructib' aut alijs bonis Ecclesię dicti clerici nri per ipsum Episcopum aut suos, ea occasione appositum fuer', sine dilatione facet relaxari &c. Et issint si le clerk demur̃ en seruice le Roy, in comitiua dilecti & fidelis nri R. de P. in partibus Vascoñ ouskr̃ le mere. Et si Leueskz voit mulct les Chapleines le Roy, & les cõpeller de payer cert' soñ dargent pur lour non residence, ils aueront Prohibition.

℣ ¶ Si vn sue ault hors de Realme ꝓ det ou ault cause dont la Court le Roy poit aũ conusãs, il aña Prohibic' vers luy, & Attachm̃t sur ceo, si &c. Et issint si vn clerke sue ault title de collation dascũ ꝓbendarie hors du Royalm̃ &c. il poit aũ cest Prohibic' & le Roy maund̃ brefe a ceslv q̃ est issint sue hors de Roialme, luy cõmaundant sur paun de forfait tant q̃ il poit forfeit, q̃ il ne aler̃ hors du Roialm̃ a resp̃ a ceo, de q̃ le conusans appertient al Court le Roy. Et auxy le Roy poit maund̃ al ꝓbẽd̃, sil soit sue hors de Roialm̃ pur title de son ꝓbẽdary, de luy ꝓhibit sur pein de imprisonm̃t, & de forf. a tant come il purr̃, q̃ il ne aler̃ hors de Roialm̃, ne resp̃ls p son procurat, ou autrement &c.

℣ ¶ Et si hõe purchase hors de Court de Rome vers ascun clerk, ou auks asẽ Citation direct al Archeueskz de Cant̃, ou

ou al auters, de citer tiel ꝑson de appeꝰ deuant le ꝑape ec. a respond de collation ou ꝓsentation al aſꝰ benefice, ou ꝓbẽdary, dõqz le Roy maũd ſ briefe de Prohibic' al Archeueſqz, ou aut, a q̃ tiel ꝑces eſt direct, q̃ il ne citera ec. e poit auer aut Prohibic' al party m̃, e Attachm̃t ſur ceo ec.

¶ Et qñt Conſultation eſt vn foits ducm̃t graunt, donqz la Court poit ꝓceder en Court Chriſtian, mẽt obſtant q̃ le party purchaſe nouel Prohibic', direct a eux, ſi le libel ne ſoit change, qd vide p ſtatut añ 50. E. 3. cap. 4. A

¶ Briefe de Prohibic' q̃ eſt appell Indicauit, giſt pluiz cõmunem̃t ent tiẽ. ꝑſons, ou deux ſont patrõs, e deux clerks, e giſt ꝑperm̃t ou vn clerk ſue aut ẽ Court Chriſtian, pur diſmes q̃ amoũt al value del quart part del Eſgl' al meins, car ſil ne amount al value del quart part, mes al cinqz ou ſize part, le Indicauit ne giſt. Et ceſt Indicauit giſt pur le patron e ceſty clerk q̃ eſt ſue en Court Chriſtian. Et ceſt briefe poit eſtre ſue e direct cybien vers le Judge, cõe vers le party. Et le Roy poit ſuer ceſt brief, ou ſon clerk eſt empliede dez diſm̃ al value del quart part del Eſgl', ou del Eſgl' meſm̃. Et ceſt briefe de Indicauit giſt cybien pur le ꝑſon, ou ſon clerk eſt empliede de laduowſon meſm̃, ou tiel Vicarage, Prebend, ou Chappell', cybien cõe ſil fuit empled des diſmes De Eſgl', Vicarage, Prebend, ou Chappel. B

¶ Et appiert per le Regiſter briefe de Indicauit que le Roy auera, ou ſon clerke eſt empled en Court Chriſtian pur diſmes, mẽt ſelant mention que il eſt al value de quart part, e le briefe eſt tiel.

¶ Rex officiali Epi &c. & eius Commiſſarijs ſalutem. Cum A de B. ꝑſona Eccleſiæ de W. teneat omnes decimas ꝓuenientes de mariſco &c. de aduocatioñ noſtra, Abbas de Bello, clamas eas ptinere ad Eccleſiam ſuam de &c. trahit eum in placit &c. Vobis ꝓhibemus &c. vtrũ ad nos an ad ꝓd Abbat pertinet earundem decimarum aduocatio, quia placita &c. Et ceſt briefe de Indicauit coulent eſtr̃ ſue p le patron deuãt indg. done en le eſpirituall Court, car apres indgem̃t done la, le ſuit de Indicauit eſt void.

¶ Et hõe naũa Indicauit auant q̃ le pty pl' en leſpiritual Court ad libel vers le def. la, e le patron q̃ ſue le Indicauit coulent monſtre le copie de libel en le Chancerie auant q̃ il aũa le Indicauit. Et qñt le pty ad libell' ẽ leſpiritual Court, e le pty mis a reſp a ceo, donqz ceo eſt appell e dit, Qd lis ſit conteſtata in Cur̃ Chriſtianitatis. C

¶ Et

D ¶ Et Indicauit gist pur dismes & offrings, si suit soit en espirituel court pur ceux, cibien come gist del aduowson, & ceo pur common person cibien come pur le Roy. Et le bꝛe de Indicauit ne ferra mention, q̃ les dismes & offrings, que sont en suit, amount al quart part del glise, mes decimas ꝓuenientes de centũ acris terræ, ou de tiel manoꝛ, & si ceux dismes ne sont al value del quart part le aduowson, lauter ptie poit surmitter ceo, & ꝓier Consultation.

E ¶ Et auꝛy Indicauit gist lou lun party est ꝓson en parsonee, & le clerke lauter patron luy suist en espiritual court pur dismes &c. il pout sue le Indicauit. Et illint si Abbe soit parson en ꝓsonee dun esglise, & auk Abbe est parson en ꝓsonee dauter aduowson, & lun sue lauter pur dismes perteign̄ a son aduowson amountant al quart part del gl̃ &c. lauter asia Indicauit vers luy &c.

¶ Et si Abbe soit ꝓson en ꝓsonee de aduowson, & ad un vicar endowe: la si le ꝓson soit sue en court chꝛistian pur le quart part des dismes de son ꝓsonage, il auera Indicauit. Et illint si le vicar soit sue en Court Chꝛistian pur le quart part des dismes & offrings de son vicarage, le ꝓson ou cestuy q̃ est patron del vicarage, auera le Indicauit, pur ceo q̃ ils sont seuer al aduowsons, le ꝓsonage vn, & le vicarage auter, & poient estre diuers patrons de eux, quod vid' Paschæ 31. H.6. en le title de Indicauit.

F ¶ Si Bailies, Maiors, ou auks q̃ claima iurisdiction sur plaīt a eux fait d̄ arrester alc̄ hõe, ou attacher les biens &c. attach. vn pur trñs, ou cõtract, q̃ ne fuit fait deins lour iurisdicc̄, le ꝓp attache &c. auera Prohibic' direct a eux &c. en tiel fozme. q̃ Rex Balliuis A. de N. salutẽ. Cum de communi consilio regni nostri ꝓuisum sit, qd' non liceat alicui de eod' regno, nisi vobis & ministris nr̄is specialem authoritatem ad hoc habentibus, aliquos ꝑ balliuã seu potestatem suam trãseuntes attachiar̄, ad rñdendum alicui sup cõtract, conuentionibus, seu transgr̄ aliquib' extra easd' ball', seu potestat̄ factis: Vobis p̄cipimus, qd' non attachiatis B. ad respondend alicui corã vobis in ball' vra sup hñodi contractibus, conuentionibus, seu transgr̄, contra formã ꝓuisiõn p̄d', & districtiõn, si quam inde feceritis, deliberari faciatis &c. Et sils ne voit ceo obeyer, il auera Attachment vs les bailies. Et cẽ bꝛiefe gist cibien pur attachm̄t de les biens, cõi pur attach. de son coꝛps.

G ¶ Si feme ad terres, queux il tiẽt en dowꝛer, ou de joint pur-

purchase oue sa barõ, ou de sa inheritance demeisne, si le Viĕ ad pces hors Deschequer a leuier les debts le baron, q̃ il doit al Roy, ou si l'Viĕ ad pces dauĕ Court de leuier ẽtein debts due p sa baron al auĕ pson, si le Viĕ voile distr̃ en les tres q̃ le fee illint tiĕt &c. donqs la fee aũa brieue al Viĕ, q̃ il ne distr̃ la fee q̃ tiĕt ceux tres, en les dits tres &c. pur le det le baron, & le forme del brieue est tiel.

¶Rex Vic' &c. Cũ secundũ legẽ & consuetud' regni nri mulieres in trĩs & tenemẽtis, quas tenent in dotẽ de dono virorũ suorũ, vel quæ sunt de hæreditate sua, vel quas sibi acquisierunt p debitis virorũ suorũ reddend' distringi non debeant: Ac tu B. quę fuit vxor A. distring. in trĩs & tenemẽtis suis, quas tenet in dotẽ, ex dono eiusd' A. & etiã quæ fuer̃ de hęreditate ipsius B. ac ex quæsito ipsius B. sicut ex graui quærela sua accepimus: Tibi p̃cipimus, qđ ipsam B. in trĩs & tenemẽtis suis quas tenet in dotem, vel quæ sunt de hæreditate sua ꝓpria, vel ex quæsit̃ ipsius B. p debit̃ p̃d̃ A. quondã viri sui reddẽd̃, non distringas, vel distringi fac', contra legem & consuetud' p̃dict̃, & districtionem, si quam &c.

¶Et cest tiel brieue al Viĕ, lou pces viĕt al Viĕ hors del Eschequer a leuier les dets le baron per sum Scaccarij &c. Et en cest case el puit suer brieue al Barons Deschequer, q̃ ils surtesl. de faire pces al Viĕ, a distrain̄ la feme en tiels terres &c. Et auĕ forme del brieue as Barons Deschequer de surceser a distrainer la feme &c. & oue vn Pcedo en ñ le brieue, q̃ ils eux leuie des executors le baron, ou de son heire, ou des terres & tenemẽts q̃ fuer̃ al baron &c.

¶Et si home empled auĕ en le com̃ de dets ou chateux q̃ amount a le summe de xl. s. dot. qs le party aũa Prohibition vers luy q̃ est le Viĕ, q̃ il ne teñ plee, & q̃ il dirra al party, q̃ il suer̃ en le common bank, & le brief est tiel. ¶Rex Vic' &c. Cum placita de catallis & debitis, quæ summã quadraginta solidor̃ attingunt, vel eam excedunt, secũdm legẽ & consuetud' regni nri sine breui nostr̃ placitari non debẽt. Ac A.B. de debit̃ centum solid' in Com̃ tuo sine br̃i nro implacitauit vt accepimus: Tibi præcipimus, quod si ita sit, tunc placito illo in Com̃ præd̃ sine br̃i nostr̃ vlterius tenend̃ superseđ omnino, & pf. A. dicas ex parte nra, quod br̃e nr̃um de prædict̃ debit̃ versus pręd̃ B. sibi impetret, si sibi viderit expedire, Teste &c. Et si tiel brieue soit sue en auter Court, donqs le brieue serra direct al bailie del Court en tiel forme.

¶Rex Balliuis I. de N. vel Ball' suis de N. salutem. Cum placi-

placita &c. *vſq; ibi* non debeant, ac A.B. de eo quod idem B. redd' ꝑſ. A. catall' ad valentiam decem libr' ſ, coram vobis in Curia dicti dñi vr̃i de N. vel in Curia nr̃a de N. ſine br̃i nr̃o implacitet, vt accepimus: Vobis p̃cipimus, qd̃ ſi ita ſit, tunc placito illo &c. *vt ſupra*. Et ſils ne ſurceſſe p ceſt br̃e, donqs il aũa Alias, & Pluſ, & Attachm̃t vers eux &c. & auxy vn Attachm̃t vers le party meſme.

¶ Et ſi home doit a vn auũ cinqs marks, & il ſue ſeuerall plaints de ẽ en le com̃, ou en auũ Court vers le oettoꝛ: oze il aũa bꝛief de Prohibition de ẽ, reherẽ ẽ matter, & comẽt il voile defrauder le Court le Roy de lour iuriſdiction, & auxy al pty ſon rñs &c. eux cõmandant q̃ ils ne ꝓcedeẽ &c. & q̃ q̃ cõmandõ le pty de ſuer al cõmon ley en Court le Roy, & ſils ne ſurceſſ. il aũa Al', & Pluſ, & Attach. ſur ẽ &c.

¶ Et iſſint eſt, ſi hõe voile ſuer en le com̃ bꝛe de Couenãt, ou de Trñs, al dam̃s de xl.s. ou plus, le pty aũa Prohibic' de ſurceſſ. &c. & ſur ceo Alias, & Pluſ, & Attachm̃t &c.

¶ Et iſſint ſi lereẽ ſue en le com̃, ou en Court Baron par det de ſize marks p dtãs plaints &c. lou le det eſt ſur vn cõtract, ou ſur vn obligaũ: oze le def. poit monſtꝛ̃ cel, & pled al iuriſdiction del Court, ou il poit aũ bꝛief de Prohibic' a eux direct, q̃ ils ſurceſſera &c. Et ſil auera iudg. en aſcuns des plaints ſue del parcel de ẽ det, vnꝛ̃ en le Prohibic' il poit luy inhibiter de ꝓcedꝛ̃ en ceux plaints q̃ ſont pendants, & q̃ ilz ceſſeẽ del execution del iudgem̃t del reſidue.

¶ Et auxy ſi home ſue en le County vn plaint de xx.l. & ad iudgem̃t de recoũ ceo en m̃ le Court, vncoze le def. poit ſuer vn bꝛief de Prohibic', commandant le Viꝛ̃ & les ſuiors q̃ ils ne execute cel iudgemẽt, coment q̃ il ad admitte le iuriſdiction auant.

¶ Et iſſint ſi apꝛes iudgem̃t done, & execution agard en le County, ou en auũ Court Baron, q̃ nad power de tener plee de det de ſumm̃ de xl.s &c. ou des dam̃s en tr̃s amoũtant a tiel ſumme, ou plus, le pty def. aũa bꝛiefe de Prohibic' al Bailie, ou al Viꝛ̃, ou officer del Court, q̃ ils ſurceſſe de faire execuꝛ̃, & ſils ont diſtꝛ̃ le party de faire ſatiſfaction &c. q̃ adonqs ilz releal. ceſt diſtꝛ̃ &c. & q̃ ilz renoke ceo q̃ ilz ont fait en ceſt part.

B ¶ Et eſt rule en le Regiſter, *Sic*. Si placita de catallis vel debitis, quæ ſummam quadraginta ſolidorum attingunt, vel eam excedunt, in com̃, vel in alia Curia, ſine breui placitent, qd̃ abſit, nõ fiat inde bꝛe de falſo Iudicio, nec recordare, nec

breue

breue de executione iudicij, exceptis Cur̃ ciuitatum, & alijs, q̃ ſcd̃m conſuetud' hm̃odi iuriſdictiones habẽt &c.

¶ Et ſi home ſue auꝰ en le com̃ ou auꝰ court ſur pleint de treſpas fait vi & armis, le def. poit ſuer Prohibic' al viꝛ, ou al bailie en tiel fozme.

¶ Rex Ballíuis de B. &c. cũ placita de tranſgr̃ contra pacẽ nr̃am in regno noſtr̃ Ang. vi & armis factis, ſcd̃m legem & conſuet̃ eiuſd' regni ſine br̃i nr̃o placitar̃ non debeant, ac W. implacit̃ coram vobis in cur̃ prędict' domini veſtri R. de T. de diuerſis tranſg eid' W. p̃ præfat. R. contra pacem nr̃am vi & armis (vt dicit̃) factis vt accepimus, in ipſius W. graue dampnum, & contr̃ legem & conſuet̃ p̃d': vobis præcipimus, qd' ſi ita ſit, tunc pl'ita prædict coram vobis vlterius tenend' ſuperſ. omnino, p̃ſ. W. dicentes ex parte nr̃a qd' br̃e nr̃m de tranſg. prędd' verſus præf. R. ſibi impetret, ſi ſibi viderit expedire, Teſte &c.

¶ Et ſi home ſue auꝰ en court baron, ou auꝰ court, q̃ nẽ court de recoꝛd, pur charters concerñ enhrr̃ ou frankꝰ, il auera prohibic', & le fozme del bꝛiefe eſt tiel.

¶ Rex Ballíuis I. de R. de P. ſalutem, cum placita de detentione cartar̃ ſeu ſcriptor̃ liber̃ tenẽt̃ tangentium in aliquibus cur̃ q̃ record' non habent, ſcd̃m legem & conſuet̃ regni nr̃i ſine br̃i nr̃o placitari non debeant, ac E. W. de eo qd' id' W. redd' p̃ſ. E. tres cartas c. rã vobis in cur̃ p̃d' dn̄i vr̃i de P. ſine br̃i nr̃o impl'it̃ vt accepimus: Vobis p̃cipim⁹, qd' ſi ita ſit, tunc pl'ito illo coram vobis in curia p̃d' ſine breui noſtro vlterius tenẽdo ſupſ omnino, & p̃ſ. E. dicatis ex p̃te nr̃a, quod br̃e nr̃m de detentione cartar̃ p̃d' vlus p̃fat̃ W. ſibi impetret, ſi ſibi viderit expedir̃, Teſte &c. Ann̄ 8. apud Eborum iſtud br̃e ordinatum fuit p̃ Conſilium.

23. ¶ Quare non admiſit.

SI home recouer aduowſon, & ad bꝛiefe al Eueſq̃ de admitter ſon clerk, & il ne voile iup admitt̃, donq̃ le partie poit ſuer Al' & Pluꝛ, ou Attach. &c. ou poit ſuer bꝛ hoꝛs del Chancerie, ou hoꝛs del common bank a ſ̃ eiect̃, de Quare non admiſit, cibñ in temps de terme come en temps de vacation. Mes le melioꝛ eſt en temps de term̃ de ſuer ẽ le cõmon bank, & en t̃ bꝛiefe il couient reherſer le recouery: & le fozm̃ del bꝛiefe pur le Roy de Quar non admiſit eſt tiel.

¶ Rex vic' &c. ſum̃ &c. A. Wintoñ Epiſc' &c. quod ſit coram nobis

nobis tali die &c. vbicunq; &c. Quare cũ nos nup in Cur nra
cora nobis recupassemus &c. & ne dirẽ en le bẽe, Si Rex &c.
fecerit te securũ &c. pur ẽ q̃ le Roy ne trouera pledg. &c.

D ¶ Et si le Roy recouer son plentm̃t en le common banke,
vncore il poit suer Quare non admisit, en Bank le Roy de-
uant luy meisme.

E ¶ Et issint si common plon recouer ẽ Quare impedit en
cõmon bank, & le record est remoue p bziefe Derror in Bank
le Roy & la affirm̃, donqz il aũa Bre al Eueſque la, & coutem
suer Quare non admisit verz Leueſqz la sur ẽ record, autre-
ment nient. Apres record remoue p bziefe Derror, le pl q̃
recouer naũa Quare non admisit, tanqz le iudgem̃t soit af-
firme en Bank le Roy.

F ¶ Et le Quare non admisit couient estr̃ sue en le cõmon
Leueſqz refuse le clerke le plaintife.

G ¶ Et en le Quare non admisit il recouera forſqz dam̃s &
H nauera son clerk admit per cel bziefe. Et si Leueſqz luy ad-
mit & institute, & Larchdeacon ne voit luy inducter, il naũa
remedie sinon en Court Chzistian, vt dicitur, Car est bon
plee pur Leueſqz adire que il admit son clerke, et fait a luy
lres al Archdeacon de luy induct. Et il semble a moy, si
Larchdeacon ne voile induct le clerk, q̃ le clerk auera act
sur son case verz Larchdeacon, pur ẽ q̃ cẽ induct est vn tẽ-
poral act. Come si le Mr̃ sur Habere fac' seisinam ne voile
luy mitt̃ en poss. il auera Al' & Plur̃ & Attachm̃t verz luy &c.
Mez ascuns dient q̃ il aũa Citation verz le Archdeacon en
espiritual Court, & punisher̃ luy la, car p cas il puit alleage
cause special pur queux p espiritual ley il ne serra induct, lez
q̃x ne poyent estr̃ discusse en tẽporal Court, Ideo quære.

I ¶ Si le Vicar general refuse d̃ admitt̃ le clerk, le Quare
non admisit serra port verz le Eueſqz pur cest refusel. Et si
Leueſqz refuse le clerk, & puis denie, Quare non admis. ser-
ra maint̃ verz le gardeine des espiritualt̃ pur cẽ refus. fait
per Leueſqz, Tamen quære.

K ¶ Leueſqz nest tenus dadmitt̃ le clerke &c. si Lesgl soit
pleine de prezentm̃t dun auk, q̃ nest partie al recouerie.

L ¶ Si Leueſqz refuse le prezentee le Roy, & puis luy re-
ceue & admit, vnt̃ le Roy aũa Quare non admisit verz luy
sur cel refus. Et il semble q̃ comon plon aũa ẽ ttel mañ.

M ¶ En Quare non admis. Leueſqz poit dir̃ q̃ il pl. p laps.

N ¶ Et Quare non admisit fuit maint̃ vs lofficial le Eueſ-
que. Michael' 9. Ed. 3.

¶ Si

¶ Si home recouer en Quare imped' son prelentmẽt a vn chappel q̃ est donatiue, donqz semble q̃ il aũa brieue al dic̃ de mitt̃ en possel. le clerke cesty q̃ recouer &c. A

¶ Et en Quare non admisit, Leuesqz poit dire q̃ le esgl' est litigious enter deux, &c. B

¶ Et si home ad donatiue chauntrie, le q̃l est de natur̃ q̃ vn nosm̃ a vn aut̃ s clerke, & que lauk institut & induct, la si cẽy q̃ doit nosm̃ soit disturb. per estrang donqz il auera le Quare imp̃, & sil recou̇, il aũa donqz brieue a cẽy q̃ luy doit instal & ẽduct, de luy mitt̃ ẽ poss. Mes si il soit disturbe per cẽy q̃ luy doit instal, donqz il coulent aũ Quare imp̃ vs luy, & aps q̃ il ad recou̇ il aũ brief a cẽy q̃ luy disturbe de mitter son clerk en possess. ou il aũ a brief al vicont de mitt̃ le clerk cẽy q̃ ad recouer en possession a son elcation. C

24 ¶ Quare Incumbrauit.

QVare incumbrauit coulent estre sue en l' counte ou lesgl' est, pur ceo q̃ le tozt est fait la.

¶ Et Quare incumbrauit ne gist, mes ou le pl' recouer per iudgement de court. D ¶ Et le Roy poit suer Quare incumbrauit en bank le roy, comt q̃ le recozd del recouery soit en le cõmon bank: Mes vn cõmon plon ne poit faire isslint. E F

¶ Et Quare incumbrauit poit estre sue en le cõmõ bãk, coment q̃ le recozd soit remoue en banke le Roy per brieue derroz, ou en treasozie. Mes si le recozd soit en banke le roy, semble donqz q̃ le ptie suera le Quare incũbrauit la &c.

¶ Et Quare incũbrauit est brieue oziginal, & isslera hozs del chancerie, & nẽy hozs del common banke. G

¶ Et Quare incumbrauit ne gist tanqz le ptie ad sue le brieue de Ne admittas al Eueslz, car si Leueslz incumber lesgl' auant le Ne admittas sue, dõqz le ptie aũa Quare imp̃, & nemy Quare incumbrauit, car le Eueslz ne poit auer notice tanqz le Ne admittas soit deliuer a luy. Et si Leueslz aps Ne admittas deliuer a luy, admit le clerk cesty partie, pur q̃ il est troue per le Iure prõnatus, vn̄ lauter ptie aũa Quare incumb. vers luy. H ¶ Et en Quare incumb. il auera iudgm̃t de recouer ses dam̃s, & aury s̃ plentm̃t. Mes isslint nauera il en Quar̃ nõ adm. mes selement ses dam̃. I

¶ Et in 21. E. 1. fuit adiudge, q̃ home aũa Quare incũbrauit sans faire mention en son brief dask recouerie ou en son count. Mes per le Register, il doit faire mention de recouerie, & ceo semble destre le meliozopinion. K

¶ Et

L ¶ Et apres le Ne admittas deliuer, si les vj. mois pas-
sont, le Euesq̃ peit presenter p laps son clerk demeine, & ne
serra charge per le Quare incumbrauit pur cel presentm̃t.
Mes semble q̃ il ne poit admitt̃ le clerk lauk̃ ptie apres les
vj. mois, car k serra enconk le briefe de Ne admittas a luy de-
liuer. Et auxy si Leuesq̃ presente le clerk dask̃ ptie apres les
vj. mois q̃ auer̃ plent a luy deuant, cel presentm̃t fait tort
al ptie, comt̃ q̃ il soit apres les vj. mois, per q̃ semble que le
Quare incumbrauit gist donq̃ vur le ptie.

SV ¶ Et si le pl̃ soit nonsuc en Quare incũbrauit, il poit su-
er nouel Quare incumbrauit, & poit barier del count en
N prmer briefe. Et est bon issue q̃ il ne incumbr̃ &c. puis le
phibition a luy deliuer

D ¶ Et si home ad Quare imped' pendant, & il sue vn Ne
admittas al Euesq̃, & puis leuesq̃ incũber lesgl' demes les
vj mois oue son Chaplein, ou oue le chaplein le def donq̃
le pl' auera Quare incumbrauit, & le forme del briefe sem-
tiel. ¶ Rex Vic' Linc' salutem. Si A. fecerit &c. tunc sum̃ H.
Linc' Epm̃, qd' sit coram Iustic' &c. ostens. quare cũ de A. in
cura nra coram pfat̃ Iustic' recuperasset v'sus B. psentac' sua
ad eccl'iã de I. p cons. cur̃ nr̃e pd', idem tamen Eps pendente
pl'ito in pd' cur̃ coram pret. Iustic' eandem eccleſiã incum-
brauit, in ipsi⁹ A. dampnũ non modicũ & grauamen, & cõtra
legẽ & consuet̃ regñ nr̃i, & habeas ibi &c. Teste &c.

P ¶ Et si ne apper̃ al briefe de incũbrauit retorñ, ne al Al,
donq̃ le distr̃ serra en le fine de cest distr̃, in nostri ac man-
dator̃ nostrorum contẽptum manifestũ, & consideration cur̃
nostrę eneruationem manifestam, & hẽas ibi &c.

Q ¶ Et si home ad briefe de Droit de aduowson pẽdãt entre
luy & auter, & lesgl' voidõ pendant le br̃e, le pl' nauera Ne ad-
mittas al Euesq̃, ne le briefe de Quare incumbrauit, comt̃ q̃
leuesq̃ incumber lesgl' &c. car le dõant ne recouna le presen-
mt̃ sur cest briefe, mes laduowson. Et si ad title de plen-
pl' poit presenter, & aũa Quare imp̃ si soit disturbe.

25. ¶ Iuris vtrum.

R BRiefe de Iuris vtrum est le plus hault briefe que vn pl'
poit auer. Et il auera cẽ briefe, lou les tres ou tenemts
sont aliens per son predecessor, ou si recouerie soit en-
le p̃decess. p def. ou p reddit, ou p ntent dedire de p̃ predec.
lou il nauer̃ prie en aid̃ del patron & del ordinar̃. Mes si
prie

pʒie en aide del patron & Ordinarie, & ils ioindʒ̃ & aid̃, & rẽdue le terre, ou ne dedʒont laction le dõt, donqʒ le succeſſ. de tiel pſon naũa ceſt bʒief de Iuris vtrum encõter ceſt recouer̃.

¶ Et aury ſi hõe recoũ p action trie vs vn pſon t̃re ou teneñts per verdict, & le perſon ne pʒie en aid al patrõ & ordinarie: vnʒ̃ ſon ſucceſſoʒ aũa Iuris vtrum, & ne ſerra miſe al bʒiefe dattaint.

¶ Et ſi home intrud̃ en terres ou tenements del rectoʒy aps le moʒt del parſon, le ſucceſſoʒ aũa ceſt bʒiefe de Iuris vtrum, & iſſint ſi pſon ſoit diſſeiſie de t̃res ou teneñts de s̃ rectoʒie & deuie, ſon ſucceſſoʒ aũa Iuris vtrum.

¶ Et aury vn pſon poit auer Aſſiſe des terres ou teneñts de s̃ rectoʒie, ou bʒiefe en le Quibus ẽ nature daſſ. ou bʒ̃ Dentre in le Per ou Cui: ou ẽ le Poſt p diſſeiſin fait a luy m̃, mes nei ſur diſſeiſin a ſon pʒed̃, mes ſerra mis a ſuer Iuris vtrum &c.

¶ Aury vn pſon poit auer Ceſſauit, ſi non t̃ que tient de luy ceſſe &c. ou bʒiefe deſchete ſi ſon t̃ deuie ſans heire. Et p leſtat̃ de Weſt. ij cap. xxiiij. poit auer Quod p̃mittat de cõmunia paſturæ.

¶ Et ſi pſon p aſſent le patron & Ordinarie leſſe t̃re de s̃ glebe a term̃ de vie, & le t̃ alien en fee, ou pd p default, ſemble q̃ le pſon q̃ leſſa le terre aũa Cõſim̃ caſu, dũ le vie le t̃ a terme de vie, & apʒes le moʒt le t̃ a terme de vie, vn bʒiefe Dentre ad communem legem.

¶ Et ſi Abbe ou Pʒioʒ ſoit pſon enpſonée dal̃ eſgl̃ & alien le t̃ del rectoʒie: ſon ſuc̃ aũa Iuris vtrum pur re ceſt t̃re, & nemp le aut̃ bʒiefe, pur t̃ q̃ il aũa t̃ foʒſqʒ cõe pſon. Et ſi hõe leſſa t̃re a vn a t̃m de vie, & puis grãta le reuerſion p licẽce al pſon & a ſes ſucceſſoʒs, & le t̃ atñ, & puis le teñt a t̃me de vie perd p default, ou alien en fee: oʒe le parſon aũa bʒiefe de Conſimili caſu dũ le vie t̃ teñt a terme de vie, & apʒes s̃ moʒt, il aũa bʒiefe Dentre ad communem legẽ &c. Et ſi parſon perd per action trie, ou perd̃ p default, le ſucceſſoʒ auera bʒiefe Derror ou attaint.

¶ Et ſi reuerſion ſoit grant al parſon & a ſes ſucceſſoʒs per licence, il auera Quid iuris clamat, ou ſi ſeruices dun tenant ſont graunt al parſon per licence & a ſes ſucceſſoʒs, il auera Per quę ſeruitia, & iſſint de bʒiefe de Quẽ redd̃ reddit &c.

¶ Et iſſint ſi pſon ſoit t̃ en commẽ de bois, ou daut̃ t̃re ẽ dõt de ſon eſgl̃ oue vn auter, & lauter tenant fait waſt en

le bois, ou terr̃ &c. le plon aũa ꝓhibic' vs laut &c. & sil fait wast, il aũa briefe de partic̃, & l'heu wast fra assigne a laut̃ partie p lestat̃ West. 2. cap. 22. ¶ Mes si plon soit patron dũ vicarage & le vicarage happa void, a vn estrange ꝑsenta, le plon auera Quare imp̃, ou Darreine ꝑsentm̃t. Mes si les vj. mois passẽt, il naũa briefe de dr̃t dauowl. pur t̃ q̃ cẽ br̃ ẽ dõe soleũt a cẽy q̃ ad lentier fce & dr̃t en lup m̃, & s nad le plon: car le dr̃t est en le patr̃ & aury en laoꝛdinarie. Ne plon naũa br̃ de Dr̃t sur disclaim̃, ne briefe ỏ cõsuetudinibus & seruitijs, ne Ne iniuste vexes, ne tielx briefes q̃ sont foũdues mereũt en l'droit. Mes semble q̃ il poet auer Contra formã feoffamenti, & briefe de Mesne, & Ad fmiñ q̃ ꝓterijt de s leale demeiñ, mes ne̅ del leale son ꝓdecessoꝛ, & tielx briefs q̃ sont de post & ne̅ foundues sur le mere droit.

¶ Et plon ou vicar aũa vn briefe de Iuris vtrũ vs ceux que sont seueral tenãts, & donqꝫ le foꝛme del briefe serra tiel.

¶ Rex Vic' S. saluẽ. Si L. eps de Lond', parsoñ eccleſiæ d' E. fecer̃ te secur̃ &c. tunc sum̃ xij. liber̃ &c. de visñ d' E. qd' sint corã Iustic' nr̃is apd' West tali die &c. parati sacrament̃ recognoscere vtrum xx. acre tre cum ꝑtiñ in E. sint libera eleemosina ꝑtineñ ad eccleſiam ipius L. an laicum teod' A.B. & C.D. & intim terrã ill. videant. Et sum̃ &c. prẽd' A. qui duos acras ind' tenet, B. q̃ octo acr̃ inde tenet, C. qui quinque acr̃ & vnã rodã inde tenet, & D. q̃ quatuor acr̃ tre & tres rodas inde tenet, qd' tunc sint &c.

¶ Et deux prebendaries poient estre vn plon dun esgl', & donqꝫ ils soindr̃ en Iuris vtrum, & lour briefe serra tiel.

¶ Si W. prebendarius prebende de N. & R. prebendarius prebende de I. in Eccleſia beati Petri Eborac', parsoñ Eccleſiæ de A. prædictis præbendis annexe, fecerint &c. tunc sum̃ xij &c. vt sup̃.

¶ Et lou home est parson del moitie desgl', & auter clerk est parson dauter moitie de m̃ lesgl': donque lun poet auer vn Iuris vtrum, & lour briefe serra tiel.

¶ Si W. parsoñ medietatis eccleſię d' N. fecerit &c. tũc sum̃ xij. &c. sacro recognosc', vtrum &c. sit libera eleemosiñ ꝑtiñ ad medietatem ipsius W. eccl'ę prædˈ, ã libera eleemosiñ pertiñ ad alteram medietatem R. parsoñ alterius medietatis eccl'æ prẽd' &c. ¶ Et dean & chaptr̃ poient auer Iuris vtrũ en especial case lou ils sont gardeins del chãtery, sic.

¶ Rex Vic' Lond' saluẽ. Si decanus & capitul' in eccl' S. Pauli Londoñ custodes Cantarię ad altare beatæ Mariæ in eccle-

eccleſia ſancti Pauli Lond', p anima Ric' D. ordinatè, fecerit vos ſecur &c. tunc ſum &c. de viſñ vrbis Lond', qđ ſint coram Iuſtic' nr̄is apud Weſtm̄ tali die &c. vtrum xx. ſolidat reddit cum ptiñ in ſuburbio Londoñ ſint &c. ptiñ ad cantariã ip̄orum euſtođ ad altare p̄đ, an laicum feođ &c. & interim teñ vnde redditus &c. Teſte &c.

A ¶ Ou plon alīẽ le dēt de ſa Eſgl' oue garr̄, & puis le alieñ ẽ enpleđ, & vouch. le plon q̄ ẽter en le garr̄, & pleđ & pđ p action trie, ſon ſucceſſ. aũa Iuris vtrum del ſeiſin l' p̄deceſſ. q̄ il aũa deuant le alienaẽ.

B ¶ Un vicar aũa Iuris vtrum vers le plon q̄ eſt ſon patron pur le glebe de ſon vicaẽ q̄ eſt pcel de m̄ leſgl'.

C ¶ Si plon reſceu rent ou fealtie del t̄ pur l' t̄r̄ q̄ eſt alien p ſon p̄deceſſ. il naũa Iuſ vt̄ duẽ ſa vy mes s̄ ſucceſſ. aũa Iuris vtrum.

D ¶ Si briefe de Droit ſoit port vers plon q̄ ioiſi le mis, ſans prier aid del patron & ordiñ, & puis pdue p default, ſon ſucceſſ. aũa Iuris vtrum. Auſ eſt ſil pdue apres p triall per verdict, come ſemble.

E ¶ Si plon ad chappel annexe a ſon plonage, a q̄l chappel eſt glebe appurteñ, le plon aũa Iuris vtrum de ceo.

F ¶ Recouery in Ceſſauit vers plō p default ne barr̄ le ſucceſſor, mes il poet auer Iuris vtrum vers cēy q̄ recouer.

G ¶ Si vn Chaplein dun Chaunterie perdue le terre de s̄ Chaunterie per Aſſiſe de no. diſſ. vnr̄ il m̄ auera Iuris vtrū, pur ceo que ceſt ſon brief de Droit, et le briefe eſt denquer, vtrum ſit libera eleemoſina cantariæ &c. an laicum feod' &c. H. 19. R. 2.

H ¶ Le plon ou vicar aũa Qđ permittat en le droit q̄ ẽ en l' debet ſoleañt del ſeiſin ſon p̄deceſſ. ou d ſon poſſ. demeſñ. Et aury poet aũ ceo Qđ p̄mittat en nat Aſſiſe de Mortdaunc' ſur morant ſeiſie de ſon predeceſſ.

I ¶ Et en Iuris vtrum le pl' content eſtr̄ noſm̄ plon ou vik, ou tiel noſm̄ en droit de quel noſm̄ il port iactiõ: car ſi Abbe, ou Eueſq, ou Deañ, port Iuris vtrū p reaſon d ẽre q̄ eſt pcel del rect annexe al Eueſch. ou appropr̄ al Abby ou Deanry, ils couient ẽe noſm̄s parſons del Eſgl' ẽ le briefe.

K ¶ En Iuris vtrum ſi le t̄ fait default al prim̄ iour, Reſom̄ ſerra agard, & ſil fait auẽ foits default al reſum̄ ret, donq̄s t̄ iurie ſerra priſe.

L ¶ Et le teñt pleđ̄ en Iuris vtrum come le t̄ pleđ̄ en Aſſ. de no. diſſ. s̄. deux ou trois dilatories al briefe, & ſi troue ne ſoit, donq̄ de prier le Jury denqueẽ dez points del briefe.

¶ Et

M ¶ Et lou le Iuris vtrum est pozt vs seueral teñts p seũal saũ en le bẽe, il poet estr̃ pzis vs vn teñt solemt pur r̃ pcel, e aps vers les auters: mes auk est ẽ Ass. de nouel disseisin, sil ne soit en especial case.

N ¶ SI Leuesq̃ cite asr̃ de pochieñs Desg. dẽe cõtribuk al repar̃ del Esgl' pochiel, ou a asr̃ Chappel annexe a cel, si le pty sue Prohibic' direct al Euesq̃ sup q̃ il ẽ cmpleõ de la fẽ en Court Chzistian. Leuesq̃ aũa cõsultation sur le matter mẽe en le Chaunk pur party del Euesq̃.

D ¶ Et issint si hõe obteiñ asr̃ iudgemt ou sentẽce ẽ Court Chzistian pur legacie fait a luy de argent ou auk chattel, si lexecuk voit sucr Prohibic' a delaier lexecution del iudgemt, le party auera Consultation.

P ¶ Et si asr̃ Chaplein de frank Chappel le Roy teign asr̃ cõcubine, dõq̃ le Euesq̃ poet luy citer dapp deuãt luy e luy cozrect: e si le Chaplein purchase asr̃ Prohibic' pur r̃ q̃ les frank Chappels le Roy ne deuer̃ estr̃ visit p Leuesq̃, vnr̃ sur r̃ matr̃ mẽe, Leuesq̃ aũa Consultation de pzocedr̃ e luy cozrecter p penam corporalem, & non pecuniariam.

Q ¶ Si Pzioz e Couent sue en Court Chzistian p dism̃ e mozтuar̃ vn J. Parson de Esgl' de C. e vn Abbe vient en Chãr̃ e surmak q̃ le dit J. tiẽt le dit Esgl' de s̃ Patronage, e q̃ le Pzioz &c. claim̃ le tierce part del dit Esgl' ỏ s̃ auour̃ e patronage demesne, e pzia Indicauit, e ad r̃ graunt: oze le Pzioz &c. poet mẽe cẽ matr̃ en le Chanr̃, e aucr̃ consultation, pur ceo q̃ in testak de Artic' cleri continer̃, qd̃ in decimis & mortuarijs, quando sub istis nominibus ꝓponuntur ꝓhibic' nostræ non est locus.

R ¶ Et si Pzioz sue en Court Chzistian pur le moitie des dism̃ ꝓuenientes de quatuor bouar̃ terræ &c. q̃ il claim̃ com appteigñ a son Esgl' de N. de q̃ il est Parson enparsonee, les q̃r ne sont al value de quart part del Esglise &c. si lauk party purchase Indicauit, surmittant q̃ ils sont al value de quart part Desglise, Oze cesty q̃ sue en Court Chzistian auera Consultation de pzoceder &c. dummodo non agitur de aduocatione alicuius partis Ecclesiæ, dicta prohibitione non obstante.

S ¶ Si home pzomise a vn home oue sa file en mariage xl. marks, p q̃ le party maria le dit file, si cestuy que pzomise le money

money ne voil' payer ẽ, il serõ sue pur cel en Court Christian, & sil purchase Prohibic', lauẽ party auera Consultation, & si cesty q̃ prmise le money deuie, vncore le baron q̃ maria le file suer les executors pur cel money, ou les executors de ses executors en Court Christian.

¶ Si aſc̃ des pochians disturbe aſc̃ Parson ou Vicar de carier les dismes &c. p lez chimins & passages vses, l'Parson poit suer en Court Christian p̃ cel disturbance, & si lauẽ sue Prohibic', sur le matter mẽe il aũa Consultation.

¶ Et si Parsõ ou Vicar ad vn pensiõ de auẽ Esgl', & cest penc̃ est substract de eux, ou auẽ Parson ẽ p̃s & claim̃, cesty Parsõ ou Vicar q̃ dout aũ le pẽsion, poit suer p̃ cel ẽ Court Christian. Et issint est si Parson, ou Vicar, ou Maſt̃ de Hospital sue p̃ pensiõ en Court Christian, q̃ ils & lour p̃decess. ont eu de tẽps dont &c. Si lauẽ party purch. l'Prohibic' &c. sur le matt̃ mẽe, il aũa Consultac', & vnc̃ sẽble q̃ sur le p̃scripc̃ il poit maint̃ briefe Dannuitie al cõmon ley, mez il est en s̃ elecc̃. Mes sil sue vn foits briefe Dannuitie al cõmon ley p̃ cel, & la count sur p̃scripc̃ &c. donqz enaps il ne suec̃ en Court Christian p̃ cẽ annuitie p nosm̃ de pension, & sil fait, il semble le party poit suer Prohibic' vers luy.

¶ Et vn Parson poit suer en Court Christian vn Spoliac' vers auẽ p̃ prisel de ses dismes, ou p̃ prisel de aſc̃ pension, q̃ apperteigñ a son Esgl', coũt q̃ ils claim̃ p seueral patrons, & de lour seueral p̃sentm̃ts: Mes cest entẽdue solement lou les dismes & p̃fits prises & spoiles, ne amount al value del quart part del Esgl', car sils claime p seueral patrons, & lez dismes, ou p̃fits, ou pẽsion illint spoiles amoũt al quart part Desgl', donqz le party greeue aũa Indicauit, p ceo q̃ le title del Patronage vienõ en debate &c. Mes sils claim̃ p vn m̃ patron, & de son prsentm̃t, donques lun Parson suec̃ Spoliation en Court Christian vers lauter, coũt que les profits amount al quart part, ou tierce part, ou al moitie Desglise, pur ceo q̃ le title del Patronage ne vienõ en debate. Et si Prohibic' soit sue sur ceo, le partie auera Consultation.

¶ Si home ad les barbits depasturants & decubants en vn paroch per vn an, le Parson de ceo paroch poit suer en Court Christian p̃ le tythe lane de ceux barbits, & si le ptie sue Prohibic', il auera Consultation.

¶ Et nota, q̃ Consultation serra graunt & direct al partie mesm̃ que sue en Court Christian, que il procedẽ & suec̃ la.

Et auxy poit aũ Consultation direct al Judge, luy cõmandant de proced, nient obstant le Prohibic' auant &c.

F ¶ Et le plon suet les execuks s̃ pdecess en Court Christian p le dilapidation s̃ pdecess. & p cest summe de argent q̃ est troue p enquest charge p le Eueskz ou Ordiñ, q̃ le dilapidat̃ amount &c. de payer t̃, & si les execuks sue Prohibic', le party q̃ sue en Court Christian aũa vn Consultation direct a ñ &c. de proceder, & auk Consultation direct a luy a pursuer auant.

G ¶ Et si hõe detiẽt les tithes q̃ il doit paier p̃ l' barbits q̃ ala en le pish p demy an, & suet la depasturants & decubãts p cest tẽpz, & sil deine, le plõ poit suer les exec̃ p ceux tithes en Court Christian, & aũa Consultac', si les executorz sunt Prohibic'. Et le plon p pscripc̃ poit clam̃ decimas vitularum & lacticiniorum des beasts pasturant̃ en son paroch, del feast de Saint Triñ iesqz al feast de Saint Peter q̃d dicit̃ ad vincula, & decim̃ lan̄ puenientis de ouibus pochianorũ suorum deins ñ le poch, occisis & morientib⁹ a festo S. Mich. vsq; ad festũ Paschæ singulis annis, & decimas mellis & ceræ puenient̃ de apibus & alueis apũ infra limites parochiæ suæ. Et poit suer pur eux en Court Christian, & auec̃ Consultac' sil soit disturbe p Prohibic'.

H ¶ Et plon poit suer en Court Christian pur legacy, lou hõe deuise fabricæ Eccleſiæ xx.s'. &c. le parson suet p ceo en Court Christian les execuks &c. Et poit suer les execuks pur arrec̃ de tithes due des molins le testatoz, en la vie de testatoz en Court Christian &c. Et issint poit vn vicar suer p dism̃ des labes & aueus puenient̃ de cert̃ lieux deins les limits de son paroch. Et issint poit suer pur Mortuar̃.

¶ Et issint poit parson suer en Court Christian p decimis pannagij puenientibus de bosco suo &c. & p pullanis puenient̃ de equitio suo, & p butiro, caseo, & lactinio tempore hiemali. Mes sẽble q̃ ceo poit estre p pscripc̃. Et fuit accord̃ coram consilio Regis in Parliam̃to apud Sarũ, quod Consultationes fieri debeant de silua cedua, eo non obstante q̃d non remoueantur per annum.

I ¶ Home poit suer en Court Christian, lou auk luy defame, & publish pur faux̃, & aduoutr̃, ou pur vsurer &c.

K ¶ Et vn plon ou auk pst̃ poit suer en Court Christian p mitt̃ violent mains sur luy &c. dañ luy excom̃, ou dañ corporal penance pur cel, mes nemy dañ amends pur cel.

L ¶ Du Patron sue plon en Court Christian p duab⁹ ptib⁹ deci-

decim̃ ꝓuenient de dñicis de F. de que le ꝑson ad ſpoit̃ le dit ꝓioꝛ, per que le ꝑson purchaſe Indicauit en le chancerie, iurmut̃ q̃ les diſm̃ amount al quart part del value de ſon eſgl̃, & q̃ le roy eſt ꝑon p reaſon del gard̃ del enfant en ſes mains eſtant, p q̃ le ꝓioꝛ vient en chancery, & mꝛe q̃ les diſm̃ ne amount al quart pt del value del eſgl̃, p q̃ il auer̃ bꝛ̃ le roy direct al Eueſqꝫ de certifier le roy en ſon chancery del value del eſgl̃ le ꝑſon, & de le value des diſmes dões p le ꝓioꝛ: & ſi Eueſqꝫ certifie p ſes letters pur le ꝓioꝛ, donqꝫ le ꝓioꝛ aũa Conſultac'. ¶ Et iſſint il ſemble p̃ceſt bꝛe, q̃ lou Indicauit eſt ſue &c. le roy ſerra certifie p letters deueſqꝫ ſur bꝛiefe direct al Eueſqꝫ q̃l eſt le value del eſgl̃, & auxy q̃l eſt le value des diſmes dões en court chꝛiſtiant, auant: q̃ Conſultac' ſerra grant: & ꝛ̃ ſemble deſtre bon rule, & bon oꝛder, iſſint q̃ nul party ſerꝛ̃ diſceiue. Et ceſt certifiꝛ̃ del Eueſqꝫ lier̃ le ꝑty adire & auerꝛ̃ le contraꝛ̃ de ceo. Mes que Conſultation ſerra grant ſur ꝛ̃ certifi. ret̃ &c. Mes ceo nient obſtant ſil ſoit al quart part del value deſgliſe, le patron poit ſuer bꝛiefe de Droit des diſmes &c.

¶ Si Eueſqꝫ fait vn oꝛdinance, q̃ le ꝑſon de tiel eſgl̃ paier̃ annuciñt al Abbe de B. & ſes ſucceſſoꝛs deux parts des ꝓfits del eſgl̃ en noſme de vn penꝛ̃ annual, et que le ꝑſon auant que il eit poſſeſſ. deſgl̃ face ſeremẽt coꝛpoꝛal de ꝛ̃ faire, p que le ꝑſon ſue al court de Rome, & obtaine delegacy, direct al Eueſqꝫ & les officers de remoũ & repeller ceſt oꝛdinance &c. oꝛe ſi Labbe ſue Prohibic' ſur cẽ matier, le ꝑſon poit ſuer Conſultation &c.

¶ Si aſcun lay perſon ne voil̃ offer as iours limittes as paroch de offer̃, ou ne voil̃ ſoy confeſſ. a ſon Curat, ou reſceiu le ſacr̃ coꝛps noſtre ſiñr Jeſu Chꝛiſt de ſon curat, per que le curat luy cite & ꝓlue en court xꝑian pur ceo, ſil purch. Prohibic' &c. ſur le matt̃ monſtre, Conſultac' ſerra grant.

¶ Si les gardeins daſcũ eſgl̃ ont vſe de temps dont &c. de perceiũ annualm̃t vn liñ de cere de vn des tenem̃ts en le vill̃, al ſuſtentaꝛ̃ dun taper devant le Crucifixe, & en le eſgliſe &c. & ceſtuy q̃ eſt oꝛe tenant del dit tenem̃t refuſe de paier ceſt liuer de cere &c. les gardeins del Eſgliſe poyent luy ſuer en court chꝛiſtian pur ceo, & ſil obtaine Prohibition &c. ils aueront vn Conſultation &c.

¶ Si home ſoit condempne en court chꝛiſtian en cauſe de diffamation, per que il appeal al court de Canterbury &c. & la le ſentence eſt confirme, & le party condempne en xx. s.

pur costs, & le cause remitte a les Judges, auant queux il fuit primes commẽce, per q̃ cesty q̃ est condemp̃s sue Prohibition, lauit ptie aũa Consultation. ¶ Si parson detient a les pochians les bñs del esgl', & en son testam̃t il enioyne ses executors de faire deliuerãce de eux as pochians: Ore les pochians poient suer ses execuks en court christian pur eux, & sils sue Prohibic', les pochians aueñ vn Consultac', & cest Consultac', poit este sue per ascũ des pochians q̃ voit suer en Court christian. ¶ Si Leuesq; ou official de lour office, cite ascun home pur violen. er iniect lour maines sur ascun clerke &c. si il sue Prohibic', lauit poit auer Consultac', dũmodo agitur ad pœnam corporalẽ, & non pecuniariã &c.

¶ Si home en tẽps de vacañ de parsonag. ou vicarage ne voit payer ses dism̃s &c. dõq̃s ordinañ de offic̃ luy cuer̃ &c. de paier eux &c. & sil purch. Prohibic', lauit auera Consultation graunt &c.

¶ Si Abbe & Couent soient ten° p reall dasẽ ordinance fait totalm̃t, de trouer quater Chapleines de chaunt en tiel esgl' ou chappel pur laimes de tiel, & tiel, & sils fail de eux troũ, ils ont obliges eux mesm̃s en diũs paines & cẽsures, & sils fail en tout, ou en part, de trouer ceux chapleines, ils ont graunt, q̃ le Dean de Sar̃ ou son offic̃ mit̃ south interdict lour esglise, & issint ceo teñ tãq; ils ont saulsie &c. per q̃ le Dean ou son official de lour office citer̃ les dits Abbe & Couẽt a trouer les dits Chapleins &c. sils sue Prohibic', le Deane ou official aueñ Consultation en ceo case.

¶ Si les Ordinaries inhibit les freres, q̃ il ne oier cõfessions, ne q̃ ils admit ascun destre sepult en lour esgl', & eux pursue en Court Christian pur cest cause, si les freres purchase Prohib pur ceo &c. les ordinaries aũ Consultac'.

¶ Si home sue en court christian pur prisel & detiñ d̃ la feme de luy q̃ fuit totalm̃t marrie a luy, si lauter partie sue Prohibic' pur ceo, il auera Consultation, quatenus, p restitutione vxoris suæ duntaxat ꝓsequit̃ &c. & vncore il poit aũ action al common ley, de vxore abducta cum bonis viri, ou acẽ de Tresp̃as pur prisel de sa feme, come semble.

¶ Et Prior sueñ pur pẽsion de xl. s. en court christian, d̃ que son meason ad este sñe de ceo de temps dont &c. & auera Consultation sur ceo, si Prohibic' soit sue &c.

¶ Si hõe recoũ en court christian in causa diffamatioñ mises & costages, il sueñ pur ceux costages en court christian, & si lauter sue Prohibic', il aũa Consultation.

¶ Si

¶Si hõe soit mis a corporal penance en Court Christian p̃ cause de diffamation, ou p̃ ingetter violẽtes mains sur les clerks &c. si le party voile redeemer sõ penance, & agreer a payer al partie damnifie certẽ summe dargent p̃ pmile &c. sil puis ne voit payer cest summe dargent al party, le party damnifie sueẽ p̃ cel en Court Christian &c. Et si lauẽ party purchase Prohibic', il auera Consultation. A

¶Si Parson p̃ iudgemẽt ẽ Court Christian soit deprive p̃ offence &c. & le Patrõ p̃sent auẽ Parson al Ordinarie, le q̃l sue le prim̃ Parson en Court Christian, p̃ ẽ q̃ il ne voile auoid̃ le benefice, mes luy defend̃ p̃ appellatiõ, ou auẽs matters &c. ore si le prim̃ Parson purchase Prohibic', lauẽ poit suer Consultation, ou sanz ascẽ Prohibic' sue p̃ le prim̃ Parson, le Parson poit suer bre en le Chancẽ as Judges espual de proced̃ ẽ Court Christiã p̃ le cause d̃ s̃ prinaẽ & disability. B

¶Sur legacie fait al ascun order des freres, ils poyent suer en Court Christian pur cel vers lez executors, & si lez executors purchase Prohibic', ilz poyent auer Consultation sur le matter monstre &c. C

¶Et si freres ou auẽs plons q̃cunq̃ sue ẽ Court Christian p̃ legacy, & ont proces vers certain plons, cõe testes, en ẽ cause, si les testes voit suer Prohibition, surmittant q̃ ils sont cites encoũter lour volunt ex officio Iudicis en Court Christian &c. vnẽ cesty ou ceux a q̃ le deuise est fait, aũa sur ceo matter monstre Consultation. D

¶Et nota, q̃ les Justices de bank le Roy poyent granter Consultation des dismes, cy bien come le Chauncelor. Et quant les Justices graunt Consultation des dismes de spoliation, ils font endorcer le libel en tiel manner.

¶Dñus Rex non habet cognoscere in foro Ecclesiastic' de spoliatione decimarũ, quatenus de iure patronat̃, seu de aduocatione decimarũ non agat̃. Et issint ils donẽt nul poẽ p̃ lendorcemẽt: Et le rule en le Registr̃ est p̃ ceux paroix.

¶Nota, q̃ les Justices dient, q̃ Dismes ne serra dones forqs des choses q̃ p̃tent dan en an, & ceo per manurance de home: Mes est enconter Decretales. E

¶Et enconter Consultation en case de diffamation sont touts les Justices, pur ẽ come il semble, q̃ il poit aũ action al common ley pur cel diffamation. F

¶Jury de carbones, ne de quarrie, & auẽs semblies, home ne donera my tythes, ne de agistmẽt, pur ceo q̃ ils donẽt des beasts q̃ pascent en la pasture. G

¶Et

H ¶ Et auxy ils dient q̄ Consultation ne doit estre graunt ꝓpermt, mes en case ou home ne poit recouerie auer per common ley en court le Roy.

¶ Et si Leuesq̄ ex officio cite hõe de appearer deuãt ses officers pur foꝛnication &c. ou auꝛs tielx offences, & le pty luy defende ꝑ appeals, ou auters tielx delaies, & ꝑ suer de Prohibic' al court xp̄iã, & puis il waiua ceux delaies, & luy submit al iudgemt de court xp̄ian, & ils delay de proceð en ceux causes pur le veration & delaies, & le suer de Prohibition, q̄ le pty def. ad auant fait, donq̄ le pty aũa bꝫ direct as Judges espiritual, q̄ ils ꝓcedẽ in causa defamationis ad pœnam canonicam imponend', & in causa submissionis &c. puiso qd' quicquid in iuris nr̄i regij derogationẽ cedere valeat aliqualiter per vos nullatenus attemptetur.

K ¶ Si le veray patron ꝓsent hable person al oꝛdinary, & loꝛdinary luy refuse, & puis vn auter disturboꝛ ꝓsental oꝛdinary auter ꝑson a mesme lesgr, & loꝛdinary luy admit, institute, & induct, et puis le veray patron recoũ son ꝓsentment vers le disturboꝛ, per q̄ le ꝓsentee le veray patron sue le ꝓsentee le disturboꝛ en court xp̄ian de luy amouer & auoider, ꝑ que il sue Prohibic' & oze le ꝓsentee le veray patron auera Consultac' al court xp̄ian de proceð en cest cas &c. Mes ꝓmes le recoꝛd en le cõmon bank couient estre certifie en le Chancery del recouery, ou del cõposition fait la del title del ꝓsentmẽt auãt q̄ le Consultac' soit grant.

L ¶ Si les tenãts & possessoꝛs dascũs terres ou tenemẽts deins ascums paroche ont vse de troũ ascũ chaplein chantant diuine seruice en le parochiel esglise &c. de tẽps dont &c. & puis oze ils retray luy, & ne voile troũ tiel chaplein &c. donq̄ le ꝑson & pochieners sueront vꝰ eux en court xp̄ian de trosi tiel chaplein en lesgr &c. Et si les tenants & possessoꝛs des tres sue Prohibic' sur le matr̄ monstre en le chancery, le parson & pochieñs auer̄ Consultac': de proceder &c. per tielz paroix. Vobis significamus, qd' in causa illa quatenus ad cantariam ꝺd' ad pristinũ statũ & ad debitam punitionẽ occasione subtractionis hmõdi eidẽ &c. imponend' per vos agitur licitè procedere, & vlterius facere poteritis qd' ad forũ eccleſiasticũ noueritis pertinere, dicta prohibitione nostra seu aliqua alia nobis in causa præd' imposterum dirigend' non obstante &c. Et iſſint sil soit puis temps de memoꝛy, s. en temps Rič le ꝓmer, & auant lesta. de Moꝛtmain, le ꝑson & pochieñs auer̄ tiel suit pur chaunt &c. Et si

le

le ꝑson & poch. del esgl' sue vn tiel ꝛ & possessor des ꝛres de trouer tiel chaplein &c. & il sue Inhibic' del Court de Canterb. ou appeal al Court de Cant', ou fait tiel subtle delates &c. en le Court de Cant', donqꝫ le ꝑson & parochiens aueñ especial bꝛeue al Archeuesqꝫ & a les officers, Qđ in casu & ꝓcessu pđ corã vobis in Cur' Cant' virtute appellationis pđ devolutis quatenus ad cantar' ad debitũ statũ reducere faciend', ad debitã punitionẽ occasione subtractionis hmõdi eidẽ &c. imponend', & imponere faciend', & ad dictã sententiam in ipsum latã, si ritè deducta fuerint in suo robore ꝑmanere faciend' ꝑ vos agitur ritè ꝓcedere, & vlterius facere poteritis &c. dicta ꝓhibic' nr̃a non obstante.

¶ Et si hõe deuise vn boefe ou vache al esgl' pur reparac̃ de ceo, ou del cemitoꝛ, & cẽy q̃ ad le vache ou boef ne voit' deliuer ꝛ al gardeins del esgl', donqꝫ le Ordinary de s̃ office, ou les gardeins poyent luy citer & suer pur le deteñ de ceo vache ou boef: Et si lauter party sue Prohibic' &c. les gardeins aueñ especial Consultation, &. Vobis significamus, qđ in casu pđ quatenus ad restitutionẽ eisdẽ gardianis de legat' pđ in forma pđ ad pœnam canonicam eidem imponend' ꝓ detentione eorund' corã vobis tantumuis agitur, licitè ꝓcedere, & vlterius facere poteritis, qđ ad forũ eccleſiasticũ &c. ꝓhibitione nr̃a non obstante, & sil ne voile ꝓceder pur ceo, ils poyent suer Attachm̃t &c.

¶ En pluſors cases hõe ata especiall Consultation, cõe si Parson en Court Christian sue pur tythes de grand arbres. q̃ passa lage de vint ans, & il fait son libel ꝓ noisme de Silua cedua; ozc le party poit monstre en bank le Roy, ou en Chauncerie, q̃ les arbres sueñ grand arbres passant age de xx. ans &c. et sur son surmise il ata especiall Consultation de ꝓceꝺ. ita quod de Silua cedua, & non de auters arbres q̃ passe lage de vint ans in cressant, ou dage de xx. ans. Et vide Stat' inde Anno 45. E. 3. cap. 3.

¶ Si hõe ad Chappel deins son manoꝛ, q̃ est vn Chanterie donative, ou presentable &c. et le Chaplein de cest manoꝛ ad ewe les dismes ꝓuenients des demeanes de mesm̃ le manoꝛ de temps dont &c. ozc si le Parson (deins quel paroche cest Chappell est) sue le Seignioꝛ del manoꝛ, et auxy le Chaplein del Chappel in Court Christian pur les dismes de mesme le manoꝛ, ils aueñ Prohibition &c. pur ceo que la duowson de cest Chappel poit vener al Roy per reason de garde, ou escheat &c. Et dongues le Parson (deins quel

quel paroch. ceſt mañ & Chappel eſt) auera eſpecial bꝛe de Scire fac' vers le ſhiꝛ del dit manoꝛ, & auxy vers le Chaplein de Chappel, retoꝛnable en le Chanc̄ a cert̄ iour, a mẽe la, ſils ſcaueꝭ riens dire, pur q̄ Conſultation ne ſerra grant, & le bꝛief de Prohibic' reuoke & repell', & ouſter a faire & reſt̄ q̄ le Court agarꝺ en ceo caſe, & en le fine del bꝛiefe ſerra, Et habeas ibi nomina eorum, per quos ei ſcire feceris &c. & hoc breue &c. Quel bꝛiefe appiert en le Regiſter, en le fine des bꝛiefes de Significauit.

27 ¶Breue de Vi laica remouenda.

D CEſt bꝛiefe de Vi laica remouenda giſt cybien ſur ſurmiſe fait per Iencumbent, ou ceſty q̄ eſt greeue &c. ſans aſcun certificat fait de ceo en le Chancerie per Leueſqꝫ, come ſur certificat fait de ceo en la Chancerie p Leueſqꝫ.

E ¶Et q̄n̄t Leueſqꝫ fait certificat in le Chancery del foꝛce, donq̄s le foꝛme del bꝛiefe eſt tiel. ¶Rex Vic' Linc' ſaluꝫ. Ad requiſitioñ venerabilis p̄ris Lincolñ Epi: Tibi p̄cipimus, qꝺ oẽm vim laicam, que ſe tenet in Eccleſia de I. ſuę dioceſis, ad p̨turbandũ iꝑſum Eꝑm quo minus officium ſuum ſpirituale in Eccleſia illa exercere poſſet ſine dilatione amoueas ab eadem &c. Et aũa Alias, & Pluꝫ, & Attachiñt vers le Vic̄, direct as Coꝛoners, ſil ne ſerue ne retoꝛn̄ les bꝛiefes.

F ¶Et ſi le Roy fait collation al aſt̄ p̄benꝺ̃ de aſt̄ Eueſqꝫ p title deuolute a luy, & Leueſqꝫ fait reſiſtans, q̄ le p̄ſentee le Roy ne poit auer coꝛpoꝛall poſſeſſ. donq̄s le bꝛiefe ſerra direct al Vic̄, & ſerra tiel. ¶Pręcipimus tibi, qꝺ omnem vim laicam ſeu armatam quæ ſe tenet in dicta Eccleſia, vel domibus eiſdem annexis, ad pacem nr̄am in Coñ tuo p̨turband' ſine dilatione amoueas ab eiſdem, & ſi quos in hac parte reſiſtentes inueneris, eos p̨ corpora ſua attachias, & in priſona nr̄a ſaluo cuſtodias, ita qꝺ eos habeas coram nobis in octab. ſancti Hill' &c. vbicunq; &c. ad rñdend' nobis de contemptu & reſiſtentia ſupradict', & habeas ibi noía eorum, quos attachiaueritis, & hoc breue.

G ¶Et ceſt bꝛiefe de Vi laica remouenda poit eſtre fait retoꝛnable, ou ment retoꝛnable, & ceo al pleaſure ceſty q̄ voille ſuer le bꝛiefe, & poit eſtre retoꝛne en common bank cybien come en Bank le Roy.

H ¶Et noꝛa, que per ceſt bꝛiefe le Vicont ne doit remouer Iencumbent que eſt en poſſeſſion de Eſgliſe, ſoit il en poſſeſ-

ſion

sion de droit ou a tort, mes solement a remouer le force, & de sauf̄ lencumbent de enioyer s̄ possessiō. Et si le vic̄ amoue ou voile amouer lencumbent q̄ est en possess. le encumbent auera briefe direct al vic̄, luy commaundant q̄ il ne luy remou̅ &c. & sil luy ad amoue, que il sans delay se face amend̄. Et sil ne se fait, le partie poit auer Al' & Plur̄ & Attachment vers le vicont. Et le forme de briefe de Vi laica remouenda sans certific̄ deuesq̄ est tiel. A

¶ Rex vic' S. salutem, Pręcipimus tibi, qd' omnem vim laicam, seu etiam armatam potentiam, q̄ se tenet in prebenda de E. in eccl'ia de C. ad pacē nr̄ā perturband', sine dilatione amoueas ab ead', & si quos tibi resistēn inueneris in hac p̄te, tunc assumpt̄ tecū sufficien̄ posse com̄ tui, si necesse fuerit, eos attachias p̄ corpora eor̄ &c. vt sup̄.

¶ Et le form̄ de certif. de Euesq̄ est tiel. Excellentissimo B principi & dño suo, dño Henric' dei gr̄a &c. W. permissione diuina Ebor̄ Archiep̄us Ang. primas salut̄ in eo p̄ quem Reges regnant, & cuncta subsistunt. Celsitudini vestr̄æ Regiæ notum facimus p̄ p̄sentes, qd' quidam salutis sue immemores, possessionem dñi I. in eccl'ia de C. nr̄æ dioc' canonice sibi collata, quam A. aliquād' tenuit occupan̄ in nr̄ offic' & libertatis ecclesiasticæ & iuris præd' W. preiudicium impediunt & perturbant. Idcirco excellentiæ vr̄æ humilit̄ supplicamus quatenus ad hanc vim & potēstatem oīod' amouend' brachium regalis potentiæ solita gr̄a apponatis, vt inimicor̄ Christi rebellio sic p̄ vestrum reprimat̄ subsidium, vt libertas ecclesiastica sub vest' defensionis clipeo tuta maneat & illesa, & vos a deo exinde retributionem condignam consequi valeatis q̄ vos eccleſiæ suæ & populo per tempora conseruet diuturna. Dat̄ apud B. quarto Kalend' &c.

28. ¶ Breue de Vasto.

L E forme de briefe de Wast vers t̄ en dower varie del br̄ C de Wast vers aut̄ test, car le briefe de Wast vs̄ t̄ en dower est tiel. ¶ Rex vic' &c. Si A. fecerit te secur̄ &c. tunc sum̄ per bonos sum̄ B. quæ fuit vxor C. qd' sit coram Iustic' nr̄is apud West. in quinden̄ Trin̄, ostens. quare fecit vastum, venditionem, distructionem, & exilium in terris, domibus, boscis, gardinis, & hominibus, quæ tenet in dotem de hęreditate præd' A. in N. ad exheredationem &c.

¶ Et en t̄ briefe il ne rehersa testatut que done briefe de Wast, ne en briefe de Wast vs̄ le gardein, pur t̄ q̄ il s̄ fuer̄ punishable

nishable per common ley auant lestat per Prohibic' & Attachm̃t sur ceo sils font wast. Et exilum in hoībus ne serra mis en le briefe de wast, sinon q̃ le t̃ en dower ou auter tenant misentret les villeines del mañ, p q̃ ils depart del manor & de lour tenures, & donqz t̃ est wast en eux. Et en briefe de Wast vers t̃ a terme de vie, ou des ans, il recherf. lestat t̃ tiel forme. Rex Vic' &c. Si A. feceř te securū &c. tunc sum B. &c. quare cum de cōi consilio regni nri Angl' ,puisum sit, quod non liceat alicui vastum, venditionem, seu distructionē facere in terris, domibus, boscis, seu gardinis, idem B. de terris, domibus, & gardinis in L. quæ prædict̃ A. ei dimisit &c. fecit vastum &c.

D ¶ Et si Abbe port briefe de Wast vers le t̃ en dower, le briefe serra, Ostens. quare fecit vastū in terris &c. quas tenet in dotē de iure ecclesiæ ipsius, ad exhęredationē Ecclesię suę &c. Et ne dirr̃ de hæreditate ipsius Abbat̃ ne ad exhæredationē ipsius Abbat̃ &c. Mes si lheire port briefe de Wast vs le t̃ a t̃m̃ de vie de lease s̃ ann̄, donqz, le briefe supp̄ q̃ le t̃ tiēt de hæreditate &c. & q̃ le wast est fait ad exhæredac' suā &c. Et si tenāt in dower prist baron, le briefe de Wast supposera q̃ ils fecerunt vastum de tris quas tenēt in dotē le fem̃, vnū le baron ne tient en dower.

E ¶ Et le briefe de Wast serra touts dits ports vers t̃ en dower, ou tenant p le courtesie, comt̃ q̃ ils ont grant ouster lour estates a auters.

F ¶ Si baron fait feoffemēt de son terr̄, ou estrange abate apres le mort le baron, ou disseise le baron en s̃ vie, & puis le feme recouer sa dower vers lestrange &c. sil port briefe de Wast vers le feme, le briefe serra mention del reconeric &c. coment el recouer le tre vers luy.

G ¶ Si fem̃ tiēt ē dower de Rege, q̃ ad le reuerr̄, & le Roy granta le reuerr̄ en fee al estrange, & puis la fem̃ fait wast, orze le grantée aūa briefe de Wast, & le briefe serra mentr̄ comt̃ el tient del Roy, & comt̃ il auer̄ graunt le reuerr̄ al estrange &c. & q̃ el q̃ tiēt en dower de le estrange de grant le Roy aū fait wast &c. Jlsint si le baron deuie, & lheire fait feoffemēt al estrange en fee, que assigne dower al feme, & el fait wast, le briefe serra mentr̄ q̃ el tient en dower del done sa baron, del assignemēt lestranger, de q̃ lauant dit feme tient in dower del assignemēt q̃ lheire le dit baron ad fait al dit estrang. ad exhæredac' cēy q̃ fait le briefe &c. ¶ Forme de briefe de Wast, lou le feme est endow ex assensu patris est tiel.

H

q Rex

¶ Rex &c. Si S. &c. tunc ſum̃ &c. q̃ fuit vxor R. qd' ſit &c. oſtenſ. quare fecit vaſtum &c. q̃ tenet in dote de dono p̃d' R. quond' viri ſui ex aſſenſu A. de B. patris prædicti R. de p̃f. S. ex aſſignatione eiuſd' A. &c. **Et ſi la feme recouer ſa doŵer vers le pere, donq̃ le briefe de waſt fra mention del recoũy,** ſic: Et quod eadem Isabella in cur̃ noſtra coram Iuſtic' nr̃is de banco p conſideracionem eiuſd' cur̃ recuperauit, vt dotẽ ſuam verſus præf. A. ad exheredationem ipſius S. &c. **Et le briefe port eſtr̃ de molendinis, ou viuarijs, &c. & donq̃ le bꝛe ſerra:** oſtenſ. quare fecit vaſtum de ẽris, domibus, molendinis, boſcis, viuarijs, & gardinis.

¶ Et ſi le gardein en chiualrie grant ouſter ſon eſtate q̃ fait waſt, le briefe de waſt ſerra port vers le graunt, & nep vers le gardein, & neſt ſemble al t̃ en doŵer, ou tenant per le curteſie: Mes ſi le gardein fait waſt, & puis graunt ouſter ſon eſtate, donq̃ ihꝛe aũa briefe de waſt vs le gardein, & nemy vers le grauntee. Et iſſint ſi tenant a terme de vie ou dans fait waſt, & graũt ouſter ſon eſtate, le br̃ giſt vers celuy q̃ fiſt le waſt, & nep vers ſon graũtee, & le ſoꝛme del br̃ vers le gardein eſt tiel. ¶ Rex &c. Si A. feceret &c. tunc ſum̃ &c. quare fecerit &c. que habet vel habuit in cuſtodia de hereditate &c. ad exheredationem &c.

¶ Et vs lexecutoꝛ del gardein le briefe eſt, Sum̃ &c. B. & C. executores teſtamenti de &c quar̃ feceṽ vaſtum &c. quas habẽt in cuſtod' poſt mortẽ p̃d' B. de hered' &c. ad exhered' &c.

¶ En briefe de waſt vs le tenant p le curteſie, le ſoꝛme del briefe p le Regiſter eſt de reherſer leſtatute, & vnt̃ ſembl̃ q̃ le briefe ẽ bon, comt̃ q̃ il ne reherſe leſtat, & le ſoꝛme del br̃ eſt. ¶ Rex &c. Si A. fecerit &c. tunc ſum̃ &c. quare cum de coi conſilio regni nr̃i Angl' prouiſum ſit, quod nõ liceat alicui vaſtum, venditionem, ſeu diſtrictionem facere in terris, domibus, boſcis, ſeu gardinis ſibi dimiſſis ad terminum vitæ vel annorum, ſeu de illis quæ per legem terr̃ tenent, idem B. de domibus, quas tenet per legem Angl' de hereditate p̃dict̃ A. in N. fecit vaſtum ad exheredationem ipſius A. & contra formã puiſionis p̃d', vt dicitur. Et habeas &c.

¶ Et ſi iheire graunt le reuerſion del tenant p le curteſie a vn auter en fee, & le tenant attoꝛne &c. donq̃s le ſoꝛme del briefe eſt tiel.

¶ Rex &c. Si Abbas de B. &c. fecerit &c. tunc ſummon̄ B. &c. quare cum vt ſupra, idem B. de domibus in N. quas tenet ad vitam ſuam de præfato Abbate, quas A. de quo idem

idem B. illas tenuit per legem Angl' de hæreditate ipſius A. inde fecit præfato Abbati fecit vaſtum &c.

E ¶ Et ſi iheire graunt le reuerſion al auk eſtrangᷤ en fée, & le tenant per le curteſie attorñ, & puis grant ouſter ſon eſtate p le curteſie a vn auk eſtrange, & puis ceſtuy eſtrange fait waſt, ore le graunk de reũ auera ſon acᷤ de waſt vers le graunk del k per le curteſie, & nemy vers le tenant per le curteſie, car il ne pott teñ p le curteſie ſinon del heire &c.

F ¶ Mes ſi le k per le curteſie graunt ouſtᷤ ſon eſtak al eſtranger & le grauntée fait waſt, iheire aña acᷤ de waſt vs le k p le curteſie, & nēy vs le grantée q̄ fiſt le waſt. Mes ſi iheire auer alien, ou graunt le reuerſion en fee &c. & puis le k per le curteſie attorñ, & puis graunt ouſtᷤ ſon eſtate al eſtrang. quel eſtrange fait waſt, ore le graunk del reuerk naura acᷤ de waſt vers le tenant per le curteſie, mes vers le graunk del k pur le curteſie. ¶ Et ſi feme ſoit tenant en dower, & el grant ſa eſtate a vn eſtrange, & puis le heire grãt le reuerᷤ en fee a vn auter, & le k attorñ, & puis le tenant a terme de vie fait waſt: Il ſemble que le graunk del reuerſion auera lacᷤ de waſt vers le grauntee del tenant en dower, come il auera vers le graunk del k per le curteſie. Le forme de briefe de waſt vers le k a terme de vi:, ou des ans

G eſt tiel. ¶ Rex &c. Si A. fecerit &c. tunc ſum B. &c. Cum de cõmuni cõſilio &c in tris &c. ſibi dimiſſis ad terminum vitæ vel annor̄, idem B. de terris, domibus, boſcis, & gardinis in L. q̄ prædict' A. præf. B. dimiſit ad vitam ipſius B. *vel ſic:* Que F. pater vel mater, vel alicui⁹ anteceſſ. p̄d' A. cui⁹ heres ipſe eſt, p̄f. B. dimiſ. ad termiñ annor̄ fecit vaſtum &c. ad exheredationem &c. & contr̄ formã ꝓuiſ. p̄d' vt dic', & habeas &c.

H ¶ Et per leſtak de Marleb. cap. 23. eſt ordine, qd' firmarij &c. non fac' vaſt in domibus &c, vel exilium de hominibus, p q̄l ſtatut le brē de waſt de exil' de hoīe eſt garrant &c.

I ¶ En briek d waſt, ſi les ꝓmiſſes de briek reherᷤ, qd' nó liceat alicui facere vaſtum in domibus, boſcis, & gardinis, & en le fine del briefe eſt dit, que le def. ad fait waſt en terres, meaſons, bois, gardeins, & en exile des homes, iſſint q̄ pluis eſt en le fine del briefe que fuit reherce en les ꝓmiſſes del briefe, vncore le briefe eſt bon. Et iſſint eſt ſi meines ſoit en le fine del briefe que eſt reherce en les ꝓmiſſes del briefe, vncore le briefe eſt bon: Sicome eſt reherce, qd' cum puiſum ſit, qd' non liceat alicui facere vaſtum &c. in tris, domibus, boſcis, & gardinis, & en le fine del brē eſt reherce,

quod

qd' le defend' fecit vaſtum in terris ſolement, ou in boſcis ſolemt, ou en meaſons ſolemt, vnē le briefe eſt boñ.

¶ Et ſi abbe fait leas a tme de vie, ou dans, & deuie, & le leſſee aps fait Waſt, donqz le briefe ſerra tiel. ¶ Rex &c. Si Abbas &c. tunc ſum B. quare cum de cómuñ conſilio &c. idē B de domib⁹ in L. quas pd' Abbas (ſi labbe m fait le leaſe) & ſi ſon predeceſſor fiſt le leaſe, dōqz ſic: quas R. quondā Abbas &c predeceſſor pdicti nunc Abbatis pf. B. dimiſit ad vitam ipſius B. vel ad terminum annorum, ſi le leaſe ſoit iſſint, fec' vaſtum &c. ad hęredationem eccleſiæ ipſius Abbatis. Et iēe briefe ſerra pur Prior ou Maſt dhoſpitall'. A

¶ Et vs lexeī le briefe ſerr'. Sum I. & K executores teſtamti L. qd' ſint &c. ijdē executores de terr', quas pfat A. pd' L dimiſit ad terminum annor', fec' vast &c. B

¶ Si home fait leaſe a fēe ſole de viuarijs, & el pſt bar', & l leſſ. deup, & el & vñ fōt Waſt, le briefe ſerra pur ihē tiel. C

¶ Rex &c. Si A. fec' &c. tunc ſum B. & C. vx. eius, qd' &c. quare cū &c ijd' B. & C. de viuarijs in l. q̄ teñt ad vitam ipſius C. ex dimiſſione quam F. pater pd' A. cuius heres ipſe eſt inde fecit pfat C. fec' vaſtum &c.

¶ Et auī briefe pur iheire lou terre eſt leſſe al barō & fēe & al heire, & le baron deup, & el fait Waſt, le briefe ſerra. Eadem A. d' domibus in L. quas tenet ad vit' ſuam ex dimiſſione quā W. inde fecit eid' A. & præf. B. quōd' viro ſuo, & hæred' ipſius B. pris præd' H. cuius heres ipſe eſt, fecit vaſtum &c. ¶ Et auter briefe quant cōe eſt fait al barō a fēe, & as heires de corps le feme, & le feme deuie, & puis le barō fait Waſt, iheire aūa briefe de Waſt, & le brief ſerra. Idē A de domibus in B. quas tenet ad vitā ſuā ex dimiſſione quā W. inde fec' præf. A. & M quondā vxori eius, & hæred' de corpore ipſius M. matris præd' B. cuius heres iple eſt exeūtibus, fecit vaſtum &c. contra formam &c.

¶ Et ſi home leſſa fre a tme de vie, & ad iij. ou iiij. foers & deuie, & ils foūt partition del terre, & de ceo reuerſion, & le tenant a terme de vie fait Waſt, ceſtuy ſoer & ſa baron q̄ ad le reuerſion aueī briefe de Waſt, & le briefe ſerra. D

¶ Rex &c. Si A. de B. & M. vxor eius fec' &c. tunc ſum &c. F. &c. quare cum de cōi conſilio &c. idem F. d' domibus &c. in L. quas tenet ad vitam ſuam ex dimiſſ. S. de C. de purpte ipſius M. ipſam d' hæredit' q̄ fuit ipſius S. fratris ſui, cuius vna heres ipſa ē, per partitionem inter ipſas M. A. & B. ſotores eiuſd' S. inde factam contin. fecit vaſtum &c. *vel ſic*,

id' de domibus in L. quas tenet in vitam suam de præf. M. ex dimissione A. pris præd' M. cui⁹ vna hæred' ipsa est de purparte eiusd' M ipsam de hæreditate præd' A. conting. fec' vastum &c. **Et si tenit a terme de vie graunt ouster ꝑ estate a vn aut, & le graunt fait wast, le briefe serra.**

E

¶ Rex &c. Si B. fecerit &c tunc sum̃ A. &c. idem A. in domibus in N. quas tenet ad vitam I. ex dimissione quam idem I. cui p. præf. B. illas dimisit ad eundem terminum, inde fecit præfat A. fecit vastum &c. **Et il ē a terme de vie grāt ouster son estate, & le gr̄auntee graunt ouster son estate, & le gr̄auntee fait wast, donqꝫ le briefe serra tiel.** ¶ Rex &c. si M. de R. prebendarius prebende de F. in ecclesia beati Petri Ebor̄ fecerit &c. tunc sum̃ R. &c quare cum &c. idem R. de domibus in L. quas tenet ad terminum vitę A. q̄ fuit vxor H. de N. ex dimissione N. de O. q̄ ill' tenuit ad eūdē terminum ex dimissione ipsor H & A. cui quidem A. & M. de O. quondam viro suo W. B. quond' prebendarius p̄d' p̄bendę predecessor pręd' p̄bendarij ill' dimisit ad vit eorund' M. de O. & A. fec' vastum &c. ad exhæredation̄ prębēd' ipius R & contra form̄ prouisionis p̄d' &c. **Et p ē appiert q̄ si pzebendarie ou pson fait lease a time de vie, il ou ꝺ̄ succ̄ aūa acc̄ de wast.** **¶ Si M. lessa tm̄ al I. a term̄ de vie, & mozust & L. fits & heire le dit M. graunt le reu̇sion a vn H ē lee, & H. graūta cel reu̇sion al A. ē lee, & puis I le t a term̄ de vie fait wast: ozele brief de wast pozt p A. serra tiel.** ¶ Rex &c. Si A fec' &c. tūc sum̃ I. &c. quare &c. id' I. de domibus in L. quas tenet ad vitam suam de p̄f. A. ex assignatione H. de quo idem I. illas tenuit ad vitam suam ex assignatione, quam L. fil⁹ & heres M. q̄ ill' præf. I. dimisit ad eūdē tmin̄ ind' fecit eid' H. fecit vastū &c. **Si D. & K. sa fēc lesse ē fee lesse le terr al D a term̄ de sa vie, & puis D. mozust, & K. p̄st a dar̄ H. & H. & K. sa feme grant le reuersion al A. en lee, & puis D. atk̄n & fait wast, & A. pozt briefe de wast, le briefe serra**

G

¶ Rex &c. Si A. fecerit &c tunc sum̃ &c. B. q̄d' sit &c. idem B. de domibus in N. quas tenet ad vitam suam de p̄f. A. ex assignation̄, quam H. & K. vxor eius, q̄ quidem K. & S. quondam vir suus illas præf. B. dimiser̄ ad eundem terminum inde fecerunt pręfat A. fecit vastum &c. **¶ Si M. lessa terre a term̄ dās a vn F le q̄l F. fuit vn I son execut & deuie, & I. lessa le terr̄ a vn K. & puis M. graunta le reuersion en lee a vn P. & le dit P. graunt le reuersion al vn M ē lee, & puis le dit K. t a terme dans fait wast, le dit M. auera briefe de**

H

wast

waſt, & le briefe ſerra. ¶Rex Vic' &c. Si M. fecerit &c. tunc ſum &c. R. quod ſit &c. quare cum &c. id' R. in domibus in L. quas tenet ad tm̃in annor̃, ex dimiſſ. I. exec' teſtam̃ F. cui N. illas demiſit ad cund' termin̄ de præfat̃ M. ex aſſig. P. de quo idem R. ill' tenuit ad cund' termin̄ ex aſſig. quam ꝓdict̃ N. inde fecit præfat̃ P. fecit vaſtum &c. F. leſſa terre al E. & A. la feme, & as heires le dit E. & puis E. deuie, & B. ſ̃ fits & heire graunt le reuerſ. al C. en fee, & puis A. fait waſt, le brief ſerra. A

¶Rex &c. Si C. fecerit &c. tunc ſum̃ A. & c. quare cũ &c. idẽ A. in domibus in B. quas tenet ad vit̃ ſuã de ꝑd̃ C. ex aſſignat̃ quã B. filius & hæres E. cui & ꝑſ. A. quondã vxori ſuæ F. illas dimiſit, habend' eiſdẽ E. & A. & hær̃ ipſius F. inde fecit ꝑſ. C. fecit vaſtum &c.

¶ M. leſſa terre a terme de vie a C. & A. ſa baron, & A. mozuſt, & C. puſt a baron T. de F. & T. & C. ſa fẽme leſſont la terre al P. de H. q̃ leſſa la terre a J. & puis M. graunta le reũſion al B. en fee, & J. fait waſt, & B. pozt briefe de Waſt, le briefe ſerra tiel. ¶Rex &c. Si R. fecerit &c. tunc ſum̃ I. &c. quare cum &c. eadẽ I. in domibus vel tris quas tenet ad vitã C. vx. T. de F. de ꝑſ. R. ex aſſig M. de quo P. de H. quæ ill' ꝑſ. I. ad termin̄ illum dimiſit ill' tenuit ad eundẽ termin̄ ex dimiſſione prædict̃ T. & C. cui quidam C. & A. quondam viro ſuo præf. M. ill' dimiſit ad vitam eorund' A. & C. inde fecit præf. R. fecit vaſtum &c. B

¶ R. leſſe terr̃ al Amice & J. ſa baron a tm̃ 3 lour vies, le rem̃ al N. file J. D. a time de ſa vie, le rem̃ al droit heires J. D. & puis T. droit heire J. D. graunt cel rem̃ al B. de C. en fee, & puis J. baron Amice deuy, & el fait waſt, le brief de waſt ſerra tiel.

nota bene the exaumple of this right ſeiſe &

¶Rex &c. Si B. de C. fecerit &c. tunc ſum̃ &c. Amit̃ quæ fuit vxor &c. quare cum &c. eadem Amitia in boſcis &c. quos tenet ad vitam ſuam de ꝑſ. B. de C. ex aſſign̄ quam T. conſ. & hęres I. D. de quo eadem Amitia illos tenuit ad cund' termin̄ ex dimiſſ. quam R. inde fecit præf. A. & I. quondam viro ſuo ad vitam eorund' A. & I. ita quod poſt mortem eorundem A. & I. præd' boſc' N. filiæ I. D. ad totam vitam ſuam vlterius remaner̃, & poſt mortem ipſius N. ijdẽ boſci rectis hær̃ præd̃ I. D. remaner̃ inde fecit præf. A. fecit vaſtum &c. Et p ceſt briefe appiert, q̃ ceſty en reuerſion auera briefe de Waſt vers teñt a terme de vie, ion eſt meſne eſtate en rem̃ a terme de vie a vn auter. C

D ¶ Et eſt auter briefe de Waſt en tiel forme.

¶ Rex &c. Si I.& C. fec' &c. tunc ſum̃ &c. I.&c. quar̃ &c. eadem I. de domibus &c. quas tenet ad vitam ſuam per finem inde in Curia noſtra coram W. de C.& ſocijs ſuis Iuſt. noſtris de banco p̃ breue noſtrum int̃ p̃d̃ C. & I.& R. de P. leuat̃,& que poſt mort̃ p̃d̃ T.& I. p̃f. C.& I.& hered' de corpor̃ eorũd' I.& C. exeunt̃ remanere debent per formam finis p̃d̃, fecit vaſtum &c.

E ¶ Home leſſa t̃r̃ a t̃m̃ d̃ vie a vn E. le rem̃ a vn M. a t̃m̃ de vie, & puis granta le reuerſ. en fee a vn B. pere a vn R. q̃ here le dit R. eſt, & puis le pr̃im̃ t̃ a t̃m̃ de vie mor̃, & ceſty t̃ en le rem̃ ent̃ & fait waſt, ore le briefe ſerra.

Rex &c. Si R. fec' &c. tunc ſum̃ &c. I. de C.& M. vxor̃ eius &c. quare cũ &c. ijd̃ I.& M. in tris quas ten̄t ad vitã ipſi⁹ M. de p̃f. R. ex aſſignat̃, quã I. de C. que terrã p̃d̃ I. de E. ad totam vitam ſuam, ita qd̃ poſt mort̃ ipſius I. de E. eadẽ tra p̃f. M. ad totã vitã ſuã habend' remanen̄ dimiſit, inde fecit B. patri p̃d̃ R. cuius here ipſe eſt, fecerunt vaſtum &c.

F ¶ Et ſont auters formes des briefes mis en le Regiſter queux ne ſont eſcripts cy pur le lõgure de cux &c. ideo vide librum inde.

G ¶ Et aut̃ forme de briefe de Waſt pur le ſeigñ p eſchet q̃ ad le reuerſion per eſchete &c.

H ¶ Et eſt brief de Waſt en le Regiſter pur ceſty en rẽſion vers t̃ p elegit, q̃ ad les terr̃ en exec̃ p̃ det ou dam̃ recou̇. Et iſſint vers ten̄t p elegit, q̃ ad lez t̃res en exec̃ p reconuſans de det &c. Et aury vers les exec̃ ceſty q̃ ad t̃res en exec̃ per elegit, & ſemble bon reaſon q̃ lact̃ giſt. Mes aſcuns dient, q̃ ceſty vers q̃ lexec̃ eſt ſue, nauera ceo briefe de Waſt, p̃ cauſe q̃ il puit auer briefe de Venire fac' ad computand' &c. & la le Waſt ſerra recoupe en le det, mes p laction de Waſt il recouera trebie dam̃, & ſemble q̃ il ne fert̃ t̃ per ceſt brief de Ven̄ fac' ad computand'.

¶ Et aury ſi hõe ad t̃res en execution p elegit, & puis cẽy en le rẽſion graunta cel rẽſion al eſtrange en fee &c. ore ſẽble reaſon, q̃ ceſty grant̃ ſũa brief de Waſt vers le tenant p elegit, pur t̃ q̃ le Waſt eſt a ſon diſinheritance, & il ne doit ſatiſfier pur le det due per le grauntez.

¶ Et vide T. 21. E. 3. en title de Scire fac' ou le recogniſor auoit vn Scire fac' ſur ſon ſurmiſe, q̃ le recogniſee auera leuie tout l'det per couper des arbres coupes.

I ¶ Si home ad common deſtouſ en bois dũ eut, & cẽy q̃

eſt t, & ppꝛietoꝛie del bois coup̄ tout le bois: oꝛe cēp q̄ doit aū leſtouers naūa action de Waſt, mes il aūa Aſſiſe de ſes eſtouers, car acē de waſt ne giſt, mes ſur leas fait, ou vers tenant p le curteſie, ou vers tenant en dower, ou gardein.

¶ Si gardein en chiualry fait waſt, iheire auera acē de waſt vers le gardein cybien al pleine age come deins age.

¶ Et ſi home ſoit en gard del ſñr p reaſon de vſe dez terr̄, pur ē q̄ certeine plons fueront ſeiſies en fee del fres ten⁹ p ſeruice de chiualer al vſe de ſ̄ pere & ſez heires, oꝛe ſi l' gardein fait waſt, iheire deins age, ou de plein age, aūa lacē de waſt vers le gard̄, & vnc̄ iheire nad le reuerē del terr̄, mes le vſe ſolem̄t, mes c̄ eſt doñ p leſtat aū 4.H.7.cap.17.

¶ Et ſi gardein fait waſt, il perdeē le gard. Et ſi le gard perde ne ſuffice al dam̄ de waſt, dōq̄ il rend̄ dam̄ ouſtr̄ a ceo q̄ le waſt amount ouſtr̄ le value del perde del gard, p leſtatute de Glouceſtr, cap.5.

¶ Si le Roy cōmit le gard dal̄ heire en ſon gard a vn auf, & le committee fait waſt, donq̄ ſur ſurmiſe fait de ceo en le Chancery, le Roy mand̄ bꝛief al Eſchetoꝛ &c. de aler al terr̄, & de veier ſi waſt ſoit fait &c. & de certifier le Roy de ceo en le Chancerie.

¶ Si Eſchetoꝛs facent waſt en terres q̄ ils ont en lour mains en gard, iheire deins age, ou de plein age aueē action de Waſt, & recoūa dam̄ a treble vers eux, & ils aūont impꝛiſonm̄t p deux ans, & reints al volunt le Roy.

¶ Et iſſint ſi Eſchetoꝛs font waſt en auf̄s fres ſeiſies en mains le Roy p enqueſt de office, aū 36.E.3.cap.13.

¶ Et Eſchetoꝛs ne auf̄s gardeins des fres en vacation de tempoꝛalties de Eueſcheries & Abbies &c. ne ferra waſt &c. aū 14.E.3. pro Clero, cap.4.& 5.

¶ Et ſi tenant a fme de vie, ou en dower, ou p le curteſie, ou a fme dans, grant ouſter ſ̄ eſtate a diūs plons diſconus &c. a defrauder ceſty en reuerſion, & puis waſt eſt fait, ceſty en reūſion aūa bꝛiefe de Waſt vers ceſty pꝛim̄ f̄ ſil pꝛiſt les pfits &c. aū 11.H.6.cap.5.

¶ Eſt vn auf̄ bꝛief de Waſt q̄ giſt entr̄ ij. tenāts ē cōmon q̄ teign̄ le fr̄ ou bois en fee ſimpl', & le foꝛm̄ del bꝛiefe eſt tiel. ¶ Rex &c. Si A. fecerit &c. tunc ſum̄ &c. B. oſtenſ. quare cum ijdē A.& B. teneant boſcum de I. in N. p indiuiſo, præd̄ B. de eodem boſco fecit vaſtum &c. ad exhæredationem ipſius A. &c. Et habeas ibi &c. Et ceſt bꝛiefe giſt cybien de terre, piſcarie, turbarie, & auters ſembles, cybien come de bois,

quant ils sõt tenus p indiuiso. Vide Stat. inde West. 2. Cum duo vel tres &c. turbariam, cap. 22.

E ¶ Et iheē deinz age aũa bře de Wast vs gardein ē socage.

¶ Et iheire al plein age aũa action de Wast vers le commettœ le Roy &c.

F ¶ Et si ÿ. ont reuersion a cur, & as heires lun de eux, ils deux ioinderont en action de wast vers ł a terme de vie.

G ¶ Gardeine en soē ne serē punish p̄ wast fait p estranger.

H ¶ Wast serē sue vs ł a ťme de vie, lou est vn mesñ estate a ťme des ans, entē le ł a ťme de vie, & cesty en reuśion.

¶ Et appiert p̄ briefe en le Registre, q̄ briefe de Wast serē maintenable, comt q̄ m̄ estate en rem̄ a ťme de vie soit enł le tenant a terme de vie, & cesty en reuersion. nota bene.

I ¶ Ou leas est fait al baron & feme a terme de vie, ou des ans, la feme ne serra punie pur wast fait per le baron apres la mozt le baron. M. 3. E. 3.

K ¶ Le tenant poit coup arbres pur amendē measons &c. & de faire reparaē: Mes si measons sont decaies p̄ default le ł de couper arbres pur amender ceux, est wast.

L ¶ Ou wast est fait per enemies le Roy, ou per tempest, le tenant ne serra puny pur cel.

M ¶ Couper del mozt bois nest wast. Et si home coup boys de arder, lou il ad mozt boys sufficient, ceo est wast &c.

¶ Jury il nest wast de suffer le terre giser fresh, & nient manure, & de cresser plein de spines ou dumes. Jury il nest wast de couper seasonable bois q̄ est vse destē coupe cheicū vingt ans &c. ou deins ceo temps.

¶ Si hõe scie les arbres, ceo est wast, & sil suffra les germines sur les copp̄ des arbres destre nouelm̄t destroy, ceo est aury nouel wast.

N ¶ Et si home ne repaire les bankes, p̄ q̄ le terre est surrounde, ceo est wast.

¶ Et si hõe ayzer les prees &c. ē est wast: Mure, ou pale q̄ est couert one thack, ou tymber, poit estē wast, si le tenant suffer eux destre discouer, p̄ q̄ &c. Et foder argil ou piere, ou carbones, serra dit wast.

¶ Housebote, heybote, & firebote appent al termoz de common droit, & il poit prender boys pur cel. Hill' 21. H. 6.

O ¶ Eueskz, ne Master de Hospitall, ne Parlõ, ne punisheē wast fait en tēps s̄ p̄decess. Mes Abbe ou Prioz serra.

P ¶ Tenant en taile aps possibilitie dissue extinct ne serra puny pur wast.

¶ Suc-

Succider des ſwilloſwes entour le ſcite del manoꝛ ad-mdge ſwaſt, P. 40. E. 3.

¶ Leas a terme de vie, le reñ en taile, le reñ en fee al tenant a terme de vie, ſil fait ſwaſt, il ſerr̃ punie per ceſty en reñ en taile, & vnc̃ le f a terme de vie ad fee en reñ, mes eſt vn meſne eſtate denheritance &c.

¶ Si home ſcie arbꝛes al val' de 3. ſ. 4. d. cẽ adiudg̃ waſt.

¶ Et ſi hõe fait leas p̃ vn an, ou demy an, ſi le f fait waſt, le leſſoꝛ aũa bꝛieſe de Waſt, & le bꝛieſe dirra, quas tenet ad terminum annorũ, & en le count il mẽa leſpecial matter &c.

¶ Termoꝛ poit coup ſouthbois creſſants ſouth les grand arbꝛes, & ſouth les hault bois: Mes ſi ne ſoit aſcun hault bois la, il ne poit couper le bois. P. 40. E. 3.

¶ Et hõe poit aũ vn bꝛieſe de Waſt, & counſ ſur diuers leales, M. 44. E. 3.

¶ Eardein ne ſerra puny pur waſt fait p̃ eſtrange &c. Mes termoꝛ ſerra puny &c.

¶ Si f en taile leſſa terr̃ a terme de ſa vie demeſne, il aũa action de Waſt vers le f, ſi waſt ſoit fait.

¶ Le graunt̃ p̃ fine del reuerc̃ naũa bꝛ̃ de Waſt vers le f deuant que le tenãt attoꝛñ: Mes ſi reuerc̃ eſchete al ſñr, il aũa bꝛieſe de Waſt vers le f ſans aſcũ attoꝛneñt. Du ſi le ſñr del villein claiñ le reuerc̃ q̃ le villein ad, oꝛe le ſñr aũa bꝛ̃ de Waſt vers le tenãt, ſil fait waſt ſans aſcũ attoꝛneñt.

¶ Et iſſint ſi le Roy graunt reũſion p̃ ſez letters patẽts, le grantee aũa bꝛieſe de Waſt ſans attoꝛnement.

¶ Et iſſint ſi hõe deuiſe reũſion a vn en fee, le deuiſee auera bꝛieſe de Waſt ſans attoꝛneñt ſur waſt fait &c.

¶ Et nul aũa bꝛ̃ de Waſt, ſinõ ceſty q̃ ad eſtate ẽ fee ſimple, ou fee taile: Mes ꝑſons ou ꝓzebendar̃ aũa bꝛ̃ de Waſt ſur lour leaſe: vncoꝛe il ſeuns dionſ qne ils nont fee ſimple ſolement en eux &c. ¶ Et ſi le f a terme de vie fait waſt, et puis alien en fee, vncoꝛe le bꝛieſe de Waſt giſt vers iuy: Cuter eſt, ſi le waſt ſoit fait aꝑs lalienar̃, cõe eſt dit, mes tamẽ Quere. ¶ Si Abbe fait waſt des tres en gard & deme, le ſucceſſoꝛ ne ſerra charge, mes ſil ſoit depoſe, le ſucceſſoꝛ ſerr̃ charge, M. 49. E. 3. ¶ Bꝛieſe de Waſt ſerra maintenable ſur leaſe fait a vn tanꝛ il luy ꝓmote a vn benefice, et le bꝛieſe ſuppoſer qd̃ tenet ad terminũ vitæ. Et iſſint del leaſe fait a durer de tiel feaſt tanꝛ a tiel feaſt, le bꝛieſe ſuppoſera, quod tenet ad terminũ annorũ en ẽ cas, & per le count le matter ſerra declar̃.

O ¶ Destruction des villeins per tallage adiudge Wast.

P ¶ Wast fait p Gardein al value de 20. deniers, adiudge Wast, et le pl' recou &c. Hill' 34. E. 3.

M ¶ Le termor nest ten^s de amēd mealons q̄ sont ruinous

R al temps del lease a luy fait. ¶ Si 2. Coparceners font lease a terme de vie, & wast est fait, & puis lun deuie, launt & le nēce couient ioind en action de Wast, p ē Wast fait auant, et vncore le nece ne recou a aleun dam̄ p ceo, mes le lieu Wast, il semble que ils tiend en copcenary, M. 11. E. 2.

¶ Et si deux Copceñs sont, & lun ad issue & deie, & sa baron est t̄ p le curtesie, & fait Wast, son fits nauera action de Wast vs luy sans nosmer lauť copceñ, mes sil port le briefe, il abatera, qd' vide P. 9. H. 6. en le title de Wast &c.

S ¶ Et si 3. sont tenāts en common, p indiuiso, & lun fait Wast, les auťs deux couient ioind en action de Wast vers le tierce &c. Vide de ceo M. 3. E. 2. en Wast.

T ¶ Si garden fait Wast, & lheire esteant deins age port briefe de Wast, p ē le gardein prra le gard, & ouster ē dam̄ a tant q̄ le wast amount ouster le value del gard que est pdue. Mes si lheire al pleine age port briefe de Wast vers cēy q̄ fuit gardein, et recou, donqz il recoua treble dam̄s vs le gardein, p ē que cest hors del cake del stať de Glouceſtr̄, q̄ done q̄ le gard pd le gard, car il ne poit perd le gard la, & pur ē il est en cas come t̄ en dower, ou per le curtesie sont, q̄x sues punishable de wast per common ley, qd' vide M. 12. H. 4. en title de Wast per lopp Thirning.

29 ¶ Breue de Estrepamento.

W SOnt deux maners des briefs Destrepem̄t, vn est q̄nt hōe ad actiō real pend, come Formdon, ou Dū fuit infra etať, ou briefe de Droit, ou tiel actiō en q̄l le dēant ne recou aleun dam̄ en laction, donqz il port suer cest briefe Destrepem̄t, vs le t̄, luy inhibitant q̄ il ne terra wast, ne estrepem̄t, pēdant laction, & cē ppetū dauant iudgem̄t donc pur le dēant.

¶ Et auť briefe Destrepem̄t gist p le dēant, lou il ad indg. de recou seisin de terre, & denant execūt sue p Habere fac' seisinā, il poit suer cest briefe vs le t̄, que il ne fra wast, nestrepem̄t &c. et cest briefe reherce le recouie & le iudgem̄t &c.

✠ ¶ Et auxy le dēāt poit aū briefe Destrepem̄t direct al vic̄, luy cōmandant q̄ il ne suffr le t̄ de faire wast ou estrep.

P ¶ Et aleuns dīt, que cest briefe Destrepement ne gist en tiel

tiel action lou le dñant recouer dam̃ vers le tenant. Mes il semble reasonable q̃ le dñant auera tiel briefe, lou il recou dam̃ sibñ come lou il ne recouer dam̃, car poit estre que le t̃ nest sufficient de satisfier le dñant pur les dam̃s.

¶ Et auxy si le t̃ serra sufferr de enraser les measons, et destroyer les parkes e viuers, il serra inconuenient.

¶ Et en chescun action real le dñant poit auer briefe al vic̃, luy cõmandãt, que il veie, que lestat. ordeigne destrepement fait &c. serra obserue, e que il ne suffr̃ le tenant de faire tiel estrepem̃t: Et per autiel reason il auera le briefe vers le tenant, lou il poit recouer dam̃ &c. A

¶ Et si le tenant fait feoffem̃t pendant le plee, le dñant poit aũ briefe Destrepem̃t vers le t̃, et vers son feoffee &c. Et semble p̃ñ le reason, que il poit auer briefe Destrepem̃t vers le tenant, e ceux que sont ses seruants nosmant lour nosmes &c. com̃t que ils nont riens en le tenancy, Tamen Quære. Vide pur ceo Triñ 5. E. 2. en title Destrepem̃t. B

¶ En Assise, e en chescun action real, lou le dñant recouer damages, il poit aũ briefe Destrepem̃t p̃ estrepem̃t fait aps iudges, et deuant execuc̃: Mes pur blees scies e emportes aps iudges, et deuãt execuc̃ suep le dñant, le dñant nauera briefe Destrepem̃t, q̃l remedy il aũa p̃ ceux, Quere: semble nul, car le tenant poit prend̃ les p̃fits del t̃re deuãt execuc̃ cõe ieeble, car estrepem̃t ne serra dit, sinõ q̃ le tenãt fait tiel chose que serra dit Wast de vn termor, si termor aũ t̃ fait. C

¶ Et q̃n hõe p̃chase son briefe original, direct al vic̃ &c. donq̃s il poit p̃chase son briefe Destrepem̃t vers le tenant, si voile, ou briefe al vic̃, luy, commandant que il veie que lestatute ordeigne pur estrepem̃t soit obserue &c. D

¶ Et si hõe sue briefe de Droit al sr̃ de court baron direct la, il poit suer hors del Chancery briefe al vic̃, q̃ il veie que Wast ne soit fait &c. ou il poit suer briefe hors de Chãcery, direct al pty m̃, luy commandant que il ne serrast Wast &c. et sur t̃ Attachm̃t &c Et q̃n le briefe est pendant en cõmon bank, donq̃s le party demandant aũa le briefe Destrepem̃t hors del common bank, ou hors de chancery a son election. E

¶ Et le briefe poit estre direct al vic̃ e al pty m̃, ou poit auer seueral briefes, vn al vic̃, e auter al party. F

¶ Et pẽdant lacc̃ le t̃ poet faire Wast, et ne serr̃ puny, p ceo que est fait auãt le prohibic̃ a luy deliuer, mes solement pur cel Wast fait per le t̃ aps le prohibic̃ a luy deliuer̃. G

¶ Et si estrange fait Wast de son tort demesne apres le H

pro-

prohibition deliuer al tenant, & encontē le voiunt le tenant, donqz le tenant ne ſerra puny pur ceſt waſt &c.

I ¶ En Scire fac' p̄ executer vn fine, ſi le tenant fait waſt, le dūant poit ſuer vn briefe Deſtrepem̄t &c.

K ¶ En Aſſiſe le tenāt fiſt waſt aps ūdict, & deuāt iudgem̄t done, et puis le pl' aū iudgem̄t done, & puis il ſue vn brief Deſtrepem̄t vers le t̄ pur waſt fait p luy apres le ūdict, et deuant iudgem̄t, et le vn briefe agarde bon, Hill' 21 E. 3.

L ¶ Et vn̄ de Eſtrepem̄t vs le t̄ p̄ waſt fait aps le iudgm̄t et deuant execuē, fuit al common ley deuant leſtatute.

M ¶ Et ſi Formedon ſoit porte del manoz, & puis Eſtrepemēt ſue per le dūant vers le tenant, & puis vn tenancy eſchiet al mañ, et le tenant fait waſt en ceo tenancy, il ſerra puny pur cel, et vncoze il neſt demaund per le briefe, mes les ſeruices fuēt dūes per le briefe en noſme del manoz, & le terre vient en lieu de ſeruices &c.

N ¶ Si hōe recouū en vn̄ de Waſt &c. il aūa brief Deſtrepem̄t vers le def. p̄ waſt fait aps le iudges, & deuant iexecuē &c.

O ¶ En Attaint en cōmō bāk, le pl' aūa brief Deſtrepem̄t vs le def. hoꝛs de cōmon bank, ſil voil' &c ou hoꝛs del chancery.

P ¶ Et ſi hōe ſue Iuris vtrū vers ſeuerall tenants, come il poit, ou Scire fac' vers ſeuerall tenāts, la il poit aū eſtrepemēt vers aſcun des tenants, et nient vers touts &c. Et iſſint ſemble ſi Formedon ſoit porte vers deux tenāts ioint-ment, le dūant poit ſuer Eſtrepem̄t vers iun tenant ſolem̄t.

Q ¶ Et en Iuris vtrū ſue en Londꝛes, le dūant auera brief Deſtrepem̄t, direct al viē de Londꝛes &c. come appiert per le Regiſter.

30 ¶ Breue de Partitione facienda.

R BReue de Partitione facienda eſt tiel. ¶ Rex &c. Si A. fecerit &c. ſum̄ B. &c, oſtenſ. quare quum eadem A. & B. inſimul & pro indiuiſo teneant tres acras terre cum pertiñ de hæreditate quæ fuit M. matris præd' A. & B. cuius hæred' ipſæ ſunt in I. eadem B. partitioni noſtræ inde inter eas ſecundum legem & conſuetudinē regni Angl' faciend' contradic', & eam facere non permittit minus iuſtè, vt dic'. Et habeas ibi ſum̄, & hoc breue.

S ¶ Et ſi le barō ad vn part del tre p̄ pchaſe, & auū ptel en droit ſa feme, & vn auter copcen ad le tierce part cōe vn des heires al cōmon annē: donqz le baron & ſa feme auera bē de Partition vers le tierce copcen, & le briefe ſerra tiel.

¶ Rex

¶Rex Vic' &c. Si I.& M.vxor eius feceñ &c. ſuñ M.&c.oſtēſ. quare cum idem I. & in iure ipſius M. de purparte ipſarū de manerio de T. quod fuit A. pñris p̄d̄ M. cuius vna hæred̄ ipſa eſt contingent̄, Idemq; I. virtute feoffamenti ſibi p̄ F. filiam & alter̄ hered' p̄d̄ A.de purparte ipſius F. de eodem manerio contingent̄ facti,ac præf.M. filia & tertia hær̄ eiuſdē A. & p̄ indiuiſo teneant manerium preḍ' cum pertiñ,eadem M.partitioni inde &c.

¶ Et eſt vn rule en le Regiſter, tiel, ceſtaſc. q̄ Anñ 12. a Euerwike fuit enſeale vn briefe de Partitione facienda int̄ eſtrange perſons, Et la fuit dit,q̄ home lauerоit en cheſcun caſe ſans noſm̄ de hæreditate en le briefe,& la fuit dit,q̄ ceſt briefe ne fuit vnqz view deuant. A

¶Et ſi home voit' ſue Partition pur tres in Lond̄, donqz il auera briefe al Maioz & as Vic̄ de London in nature de Audita quærela, & le briefe ſerra tiel. ¶Rex Maiori & Vic' Lond' ſaluṫ.Ex parte S.de H.& I.vxor̄ eius, nobis eſt oſtenſ. qd̄ cum ipſi R.& S. inſimul & p̄ indiuiſo teneant vnum meſuag' cum pertiñ in Lond',ijdē R.& S. partitioni inde ſcd̄m legem & conſuet̄ eiuſdē Ciuitat̄ faciend' contradic', & eam fieri non p̄mitt̄, in ipſorum S.& I. dampnum non modicum & grauamen,& contra conſuet̄ in Ciuitate illa hactenus optentam & approbatam: Vobis igitur p̄cip̄,qd̄ audita ipſorum S.& I.in hac parte quęrel',& vocatis coram vobis R.& S.auditiſq; hinc inde partium rationibus,ijſdem S.& I. in p̄miſſis vlterius fier̄ faciatis, qd̄ de iure & ſecundum conſuetudinem Ciuitatis p̄dict̄ę fuerit faciend',et hactenus in caſu conſimili fieri conſueuit. Teſte &c. B

¶Et p̄ ceo appiert,q̄ p̄ le cuſtome de Lond̄,vn Joint ou t̄ en cōmon,a lia briefe de Partition vers ſon compaign̄. C

¶Et Partition poit eſtre fait en Chancerie, lou lun coparcener eſt en garde le Roy.

¶Et Partition poit eſtre fait de aduowſon,ou de vn reuerſion, q̄ lun auera le reuerſion de tiels acres, & lauter reuerſion des auters acres,& poit eſtre fait ſans fait &c. Et appiert 3.E.4.q̄ tenants en common poient faire Partition per fait. D

¶Et Partic' entr̄ barōs & lour femes, licē les fēes ſil ſoit egal. ¶Et Partition fait del maſ̄ ſans plet de aduowſon, laduowſon demurt in cōmon.Et to'intenants feſont Partic' del molin ſans fait,& agard̄ bon. Trin̄ 47.E.3. E F

¶Si lun coparcener leſſa ſon purparty al auter coparcener G

ner pur terme dans, vncore el suera vziel de Partition vers sa soer durant les ans.

H ¶ Apres partition en Chancery, cēy q̄ est deins age aps q̄ el vient al pleine age, si el ad trope poy, aūa vziel de Partitione facienda vers la copceñ, ou Scire fac' sur r̄ record del partic̄ en Chanc̄ vers la copceñ, q̄ serra retorn̄ en Chanc̄ &c. adire pur q̄ nouel partic̄ ou extent ne serra fait &c.

I ¶ Et partic̄ ent̄ Coparceñs q̄ lū aūa & occupier̄ la terre del Pasche, tāq̄ al gule de August solem̄t en seūaltie a per-luy, & q̄ donq̄ launs auer̄ & occupier̄ sole en seūaltie del gule de August iesq̄ al feast de Pasche, annuelm̄t a eux & a lour heires, est agarde bon partic̄ en temps E. 1.

K ¶ Et p mesm̄ le reason lēble bon partition, si ij. Copceñs ont ij. manors p discent, & ils font partition, q̄ lun occupier̄ lun manor p vn an, & launt̄ le aut̄ manor pur ceo an, & q̄ dōq̄ cestuy q̄ occupia lun mañ, occupier̄ launt̄ mañ p̄ lan ensuāt, & issint de launt̄ copceñ, & issint lour heirez chesc̄ an changer̄ & occupier̄ le mañ q̄ launt̄ occupy lan auantdit.

L ¶ Et auxy Coparceñs poient faire partition pur terme de vie, ou pur terme dans.

M ¶ Et auxy partition q̄ lun auera la terre taile, & launt̄ la terre en fee simple, est bon partition, Et le ꝓces en ceo vziel est Sum̄, Attachm̄t, & Distr̄ infinite.

31 ¶Breue de Excommunicato capiendo.

N AVant cest vziel serra graunt, il couēt estre certifie en le Chancery p les letters Dueles south son seale del cōtumacie & contempt fait p le party al saint Esgr, mes cest certification poit estre fait en Chancerie p les letters cestuy q̄ est eslien destre Eueles, auāt q̄ il soit sacre Eueles. Et auxy poit estre certifie p les letters del Chancelor, ou Vicar general, qāt Leueles est ouster le mere, ou horz de son Dioces in remotis agend' &c. Et coīt q̄ le Eueles est deins s̄ Dioces, vnt̄ le certif. le Vicar geñal p ses letters &c. en Chancerie, rehearsl. q̄ le Eueles est in remotis agend', est bon, & ne serra trauerse. Et en temps de vacation Deuelcherie, le certificat couient estre fait p les Gardeins delspiritualties pur le temps esteant, ou p le Archeueles &c. sil soit gardein de espiritualtie.

O ¶ Et sur ceo vziefe il auera Alias, & Pluries, & si ils ne soyent respondue, il auera Attachment vers le Vicont, direct

direct as Coroners, retornable en banke le Roy.

¶Et si cesty q̄ est excōmenge ad fait satisfaction al saint Esgl' pur son contumacie & contempt &c. donqz Leuesqz ou Vicar geñal, ou gardeins despiritualties &c. come auant est dit, doyent certifie le Roy en son Chancerie, q̄ le partie ad satisfie al saint Esgl' pur cest contempt &c. donq̄s sur ceo il auera briefe al Mr̄ tiel. ¶Rex Vic' Linc' salut̄, Cum S. & I. quos ad denuntiationes Decani & Capituli Ecclesiæ beati Petri Eborꝰ sede vacante, *Vel sic*, ad denuntiatioñ veneꝝ pris A. Wintoñ Epi tanquā excōmunicatos & claues contēpnentes per corpora sua, secundū consuetud' Ang. per te iusticiari ꝓceperimꝰ, donec sanctæ Ecclesiæ tam de contēptu quam de iniur̄ ei illata ab eis fuerit satisfact̄: Iamq; ex ipsis Decañ & Capitulo, *Vel sic*, ab ipso Epo absolutioñ beneficium in form̄ meruerunt obtineꝝ sicut ijdem Decanus & Capitul', *Vel sic*, sicut idem Episc' ꝑ literas suas patētes nobis significauer̄, vel significauit. Tibi ꝓcipimus, qđ ipsos S. & I. a prisoñ, qua detinenꝝ, si ea occasione & non alia detinenꝝ in eadem, sine dilatione deliberari facias &c.

¶Et si le Mr̄ ne voile faire execution de cest briefe, il auera Alias, & Plur̄, & Attachm̄t vers le Mr̄ direct as Cozoners, retornñ en bank le Roy &c.

¶Et si le party excommenge, q̄ est issint prise, & en prison eſter sufficiēt caution ou suertie de estoier & obeyer les ordinances & rules de saint Esgl', & les Judges la, & le Ordiñ refus. de prendr̄ tiel caution ou suer̄, donqz il poit suer̄ aut̄ briefe al Euesqz de admitt̄ s̄ caution, q̄ est tiel.

32 ¶Breue de Cautione admittenda.

REx venerabili &c. Ex parte A. cum ad denuntiationem vestram tanquam excommunicatum, & claues Ecclesiæ contempneñ, per corpus suum, secundum consuetudinem Ang. per Vic' nostrum Lincolñ &c. iusticiari preceperimus, donec sanctē Ecclesiæ &c. esset satisfactum: nobis est ostens. quod licet idem A. vobis frequentē obtulerit idoneam cautionem de parend' mandatis Ecclesiæ in forma iuris, vt ꝑ hoc absolutionis beneficium consequi posset, vos nihilominus cautionem huiusmodi ab eo admittere hactenus recusastis, de quo miramur: Et quia nolumus quod idem A. diutius in prisona contra iusticiam detineatur, Vobis mandamus, quod accepta a præfato A. cautione prædicta, ipsum A. a prisona

qua

qua occasione p̄missa detinet̄, deliberari mandetis, alioquin qđ nostrum est in hac parte exequemur &c.

D ¶ Si Leuesqz ne voile maund̄ al Viĕ, a deliuer cē person ilsint excōmenge, donqz il aũa briefal Viĕ, hoyz del Chanĕ a delīũ luy, q̄ est tiel. ꝯ Rex Vic' &c. Ex parte A. quæ ad denuntiation̄ venerabil' &c. ꝯ reherē le briefmis auant al Eueſqz p̄ deliuerance del prisoner &c. Et quia nolumus, qđ idē A. diutius in prisona contr̄ iusticiā detineat̄: Tibi p̄cipimus, qđ in ꝓpria p̄son̄ tua accedas ad p̄fat̄ Ep̄um, & ex parte nr̄a moneas & efficacit̄ indicas, vt accepta ab eodem A. cautione p̄đ, ip̄m A. a prisona p̄dicta mandet deliberari. Et si idē Ep̄us vel custos in p̄sentia tua id facere noluerit, tunc ipsum A. a prisona p̄dicta, si ea occasione & non alia detineatur in eadē, deliberari fac'. Teste &c.

E ¶ Et sur ceſt briefe il auera Al' ꝯ Plur̄ al Viĕ, ꝯ sil ne fue les briefes, il auera Attachm̄t vers le Viĕ, mez ilsint naũa il vers Leueſqz &c.

¶ Et si Leueſqz certifie p̄ ses letters patēts en Chanĕ, q̄ il ad maund̄ a s̄ Offic̄ ou Archdeacon de assoyler le party excōmenge, donqz le party aũa briefal Viĕ reherē ceux letters patēts &c. Vobis p̄cipimus, qđ p̄đ A. cum vob' constare poterit ipsum ab excommunicatione sua p̄đ p̄ p̄đ Offic' vel Archidiacon̄ absolui a prison̄ qua detinet̄, si ea occasione & non alia detineat̄ in eadē, sine dilatione deliberari fac' &c. Teste &c. Et sur ceſt briefe il aũa Al' ꝯ Plur̄ ꝯ Attachment vers le Viĕ sil ne serue le briefe.

G ¶ Et sēble vncoze, q̄ le Offic̄ ou Archdeacon, a q̄ Leueſqz ad maund̄ ses letters de assoyler le party, nest tenus de certifier le Viĕ que il ad tiels letters, mes le Viĕ doit aler ou maund̄ a cux de conuster le veritie de cel, ꝯ sur ē ō faire deliuerance &c. ꝯ Leueſqz ou ceſty q̄ luy excōmenge, ꝯ a quel certif. le party fuit pris pour commandē le Viĕ de luy delīũ, come appiert p̄ les briefes en le Regiſter.

H ¶ Et si home tout excōmenge ꝯ pris p̄ significauit, ꝯ puis offer caution al Eueſqz de obeyer a saint Eſgl̄, ꝯ Leueſqz refuse, p̄ q̄ il sue briefal Viĕ de aler al Eueſqz, ꝯ de garñ de p̄nōre caution &c. Oze si Leueſqz pense ē son cuer, ou estoit en doubt, si le Viĕ voile luy delīũ p̄ ceſt briefe, Leueſqz poit purchase auter briefe direct al Viĕ, reherś. tout le matter ꝯ cas &c. ꝯ en le fine del briefe serra ceux paroix. Tibi præcipimus, quod ipsum A. a prisona prædict̄ nisi in p̄sentia tua cautionem p̄gneratic' ad minus eidem Ep̄o de satisfaciend̄

optu-

optulerit, nullatenus deliberes absq; mandato nr̃o, seu ip̃ius Ep̃i in hac parte speciali, Teste &c.

¶ Et si Leuesq; prist cautiõ del pty de obeyer saint esgl &c. donq; Leuesq; poit certifier ceo en chanc̃, & sur c̃ le prie auera briefe al vic̃ de luy deliuer &c.

¶ Et si le vicont deliuer tiel excommeng. sans due ordre del ley. donq; sur compleint le Euesque en le Chancerie, il añ a nouel briefe al nouel vic̃, reherſ. cest matter, luy commandant de luy prendre & deteiner en prison, & auxy en mñ le briefe il commandõ le vic̃ de faire lauñ vic̃ de respondr̃ al Roy a certein iour en son banke de ceo contempt &c. Et si le vic̃ q̃ lesse luy de aler alarge, est vñ vic̃, donq; sẽe q̃ le b̃ sera agard as Cozoñs de prender le partie excõmenge, & auxy de faire veñ le vic̃ &c. vt sup̃.

¶ Si home soit excõmenge deuãt le Chancelor d̃ Oxeñ &c. & le Chancelor certifie cel excommengemẽt en Chancerie &c. sur cest certifik le Roy agard̃ Significauit, al vicõt &c. de prendr̃ le corps &c. & le briefe est tiel. ¶ Quum nos de gratia nr̃a speciali concesserimus, qd' Cancellar̃ vniuersitat̃ Oxoñ, qui pro tempore fuerit, p lras suas patentes Cancell' nostro Angl' pro tempore existent̃ significare possit, & certificac' de noĩbus singulorum de iurisdictione p̃f. Cancellar̃ Oxoñ, q̃ maioris excõmunicationis vinculo fuer.nt innodati, & qd' dict' Cancell' nr̃, qui p̃ tempore fuerit, br̃ia nr̃a fieri & sub magno sigillo nr̃o consignari fac' pro captione eorum, qui sic p̃ dictum Cancell' Oxon fuer̃ excommunicati, & p̃ quadraginta dies p̃seuerauer̃ in ead' ad signif. siue certif. ipsius Cancell' Oxoñ supradict' p̃ut in lr̃is nr̃is patent̃ inde confectis pleni⁹ inde continet, Ac Iohñ E. Cancell' vniuersitatis p̃d' &c. p̃ lras suas &c. qd' W. de B. &c. suæ iurisdictionis p̃pt̃ suã &c. *vt in breui*: Et si le vniũsitie de Cãbridge ad tiel p̃uiledg. Quere &c. sẽe q̃ ils ont.

¶ Si home soit lue en court Christian, & il purchase p̃hibition, & ceo deliuer, et ceo nient obstant, ils pursue auant &c. per que le defendant sust attachm̃t sur ceo prohibition, & pendant lattachment le def. en court Christian est excommenge, & lexcommengemẽt certifie en le Chancery, per que Significauit est agard̃ vers le defend̃ direct al Vicont de luy prender: Dze le def. poit vener en Chancerie, & monstre coment il aura prohibition, & ad attachment sur ceo vers le partie &c. & pendant cest briefe de attachmẽt il est issint excommenge, & le Signif. agarde vers luy,

ozs

oze ſur ceo il aũa Supſed' direct a m̃ le viĕ, reherĕ tout ceſt matter, & luy commandõ de ſurceſſ de luy pzendõ, & ſil ad luy pziſe ea occaſione, que il luy donqz deliuer̃, donec placitum dicti attach. fuerit diſcuſſ. &c. & cõ bõ iſſera del Chancerie ſi le attachment ne ſoit ret̃ en banke le Roy. Mes ſi attachment ſoit retozne en bank le Roy, donqz il aũa cõ bõ d' Superſ. hozs del banke le Roy, ou hozs del Chauncerie a ſon pleaſure. Et couient appeĕ p le certif. del Eueſqz q̃ il ad demurĕ excoĩcat p xl. iours auant q̃ le ſignif. ſerra agard'.

E ¶ Si home ſoit ſue ẽ court chziſtiã, ou Leueſqz luy ſue & cite ex officio, & luy excommenge, & certifie cel excõmenge-ment en le Chancer̃, & ſur ĕ Signif. eſt agarde al viĕ de luy pzendr̃ &c. & puis lofficial certifie en le Chanc̃ per ſes lr̃es, q̃ il ad appeal de cel ſentence al court de Rome, ou al court de Canterbury &c. donqz ſur cel certif. il auera vn bzeue de Superſed. direct al viĕ, reherſ. coñt il ad appeal &c. luy commaundant q̃ il ſurceſſ. de luy pzendr̃, pendẽte appellationis negotio ſuprad', *vel ſic :* de ſurceſſ &c. donec de conſilio nr̃o aliud inde duxerimus ordinand', vel vſq; talem diem, *vel ſic:* de ſurceſſ &c. & ſil ad luy pziſe ea occaſione, tunc ipſum a p-ſona ſ̃dicta qua &c. deliberari fac' &c.

¶ Et ap̃s bzeue de Significauit agard' vs le ptie, ſil poit en le Chancerie bulls de Pape, teſtificant q̃ il ad appeal de ĕ ſentence &c. il aũa Superſ. ſur ceo direct al viĕ &c. & en le ſuperſ. al viĕ, il ne beſoigne de fair̃ mention des bulles de Pape, mes adire qd' ſicut p inſtrumenta publica &c. Et il couient puer ſon diligence en ſuant de ſon appeal p teſtm̃ ou per ſerement, & deins lan de temps de ſon appeal ſue &c. Et le rule en le Regiſter eſt, qd' breuia de Supſ. pendẽte appellatione non debent fieri, ſil ne appiert de record en le Chanc̃, q̃ le Significauit eſt graunt & paſſe &c.

F ¶ Et cõ bzief de Signif. ne giſt my, mes lou home eſt excõmenge eſpecialm̃t p ſon noſm̃, & vn eſpecial ſuit vers luy p le Ordinarie ex officio, ou p le ptie, car cõ appell' ſentẽtia maioris excommunicationis, & ſur certif. de ĕ en Chancerie giſt le bzeue. Mes lou il neſt eſpecialm̃t excommẽge p noſm̃ &c. coñt q̃ leueſqz certifie, q̃ il eſt excõmẽge in ſententia minoris excõmunicat', ſur ĕ cõ bzief de Signif. ne giſt, car cont ẽt expreſſ. la cãe & ſuit vs luy eſpecialm̃t en le certificat.

¶ Sur excommengem̃t certifie per les bulles de Pape Significauit ne ſerra graunt &c.

¶ Si Leueſqz certifie excõmẽgem̃t en Chancery fait en

temps

temps lon ꝓdeceſſ. & le cõtumacy &c. il aũa ſignif. ſur ꝯ, mes ſur certif. de Comiſſ ou Official, en Chancerie dexcõmengemẽt, & de le contumacy, ſignificauit ne ſerra graunt, ne ſur certif. dũ Abbe q̃ ad ordinar̃ iuriſdicc̃ dexcommengemẽt in Chancerie Signif. ne ſerra graunt.

¶ Si eueſqz certif. en chancerie, q̃ vn aut eueſqz ad certifie a luy, q̃ le party q̃ eſt ſon dioceſan &c. eſt excommenge, & iſſint ad demurr̃ excommenge p vi. iours &c. ceſt certif. eſt void, & ſignif. ne ſerra graunt ſur ceo. A

¶ Si home ſoit excommeng̃ en court chriſt. & L. eueſqz certif. ceo en chancerie, & ad briefe de ſignif. direct al vic̃ de prend le def. & le def. appeal al Court de Rome, & obteiñ delegacie direct al certaine perſon en Court de Rome, & ad certeine bull & inſtruments exhibit en le chanc̃ de prouer cel, & que il ſuit la cum effectu, donque ſur ceux buls monſtre en le Chanc̃, il auera eſpecial Scire fac', reherſ. tout ceſt matter, direct al vic̃ de garñ le partie, a que ſuit il fuit excommenge, dappeꝛ̃ en le chanc̃ a certein iour, a mẽe pur que il ne doit ſurceſſ. de prend le partie iſſint excommenge pend̃ le dit appel, & auxy de commaund̃ le vic̃ de prend ſuffiz̃ ſureties q̃ voit reſp̃ corps pur corps pur ceſtuy que eſt excommenge de purſuer &c. & de faire ẽ que le court agard en cẽy partie, & que il dongz ſurceſſ. de p̃nd̃ luy &c. Et ſi le vic̃ retorn̄ cẽ briefe de Scire fac' q̃ il ad garny le partie, ou q̃ il ad maund̃ cẽ brief al bailie de liberty, q̃ luy reſp̃ q̃ il ad garny le partie a q̃ ſuit il fuit excommenge, dapp en chanc̃ al iour en le briefe done &c. ore ſi le ptie q̃ fuit iſſint retorn̄ garny ne vient, dongz cẽy q̃ fuit excommenge aũa aut brief al vicont de luy deliñ &c. & &c. & ſil nad luy p̃ſe dongz de ſurceſſ. de luy prender &c. B

¶ Si home ſoit excommenge per leueſqz, & puis l' vicar geñal certifie ceo en chanc̃ pur ceo q̃ leueſqz eſt in remotis, per q̃ ſignif. eſt agard̃, & il eſt priſe p ꝯ, & puis ceſtuy que ẽ priſe p ſes amies monſtr̃ en Chancerie comẽt il ad appel al court de Canꝯ, le q̃l il ſue cũ effectu: ore ſur ꝯ ſurmis il aũa br̃e al vic̃ q̃ ad le party excommenge en ſa gard̃ reherſ. ceſt matt̃, luy commãdant q̃ il garñ leueſqz ou s̃ vicar general & ceſty q̃ ſue le priꝛ̃ ds ceſty q̃ eſt excommenge &c dappeꝛ̃ en le chanc̃ a cert̃ iour &c. a monſtre pur q̃ le partie excommune ſerra deliuer pendente appellatione, & auxy a faire venir le partie excõmenge ſouth ſuer gard, a faire q̃ la court conſideꝛ̃ en ceſt partie.

D ¶ Et si Leuesqz excommenge home, & puis certifiē en le Chanc̄, & sur ce Signif. est agard, & le party ꝑs p cel, & il sue son appeale en Court de Canc̄ ou de Rome &c. & ad Scire fac' vers Leuesqz, cōe auant, & vers l'party a rñō in Chanc̄ a dire pur q̄ il ne serr̄ delitū, p q̄ Leuesqz & le party sont garnies, & ne vienō, p q̄ cēy q̄ est excōmenge est delitū: oze si cēy q̄ est issint excōmenge voile suer alr̄ ac̄ en l'common bank ou bank le Roy, on auoyz, sil pense q̄ lauc̄ party voil pledō ce excommengemēt vers luy en cōmon bank, ou auoyz: donqz il aūa espeř bziefe de Signif. as Justic̄ del bank, ou lou il sue, reherſ. tout le matř cōe auant &c. eux cōmandant de ꝓcedē
E scdm legem & consuetud' regni &c. ¶ Si Leuesqz certifie en Chanc̄ excommengemēt fait al suit dalr̄, & sur ceo Signif. est agard, & il est pzise: oze cestuy q̄ est pzis poit mūe per ses amies ē Chauncerie, que il sue appeale de cest sentence en Court de Canterb. cū effect: & per Scire fac' vers Leuesqz & vers le party, a q̄ suit il fuit excōmenge, retoznō a certaine iour ē Chancerie, & sur ceo il aūa bziefe al Mir̄, reherſ. tout cē matř, luy cōmaundōt de garſ Leuesqz & le party, a q̄ suit il fuit excomm. ō este ē le Chaunc̄ al iour del bziefe reſ, adire q̄ ils poyent pur q̄ l'party ne serra delitū, & auxy commaundōt le Mir̄ p mō le bziefe, q̄ il pzendō suffic̄ manucaptoz, del partie excommengē, q̄ il appere en le Chancerie a mō le iour &c. & de luy ameine arere al pzison, si le Court issint̄ ozdeigñ al iour &c. & en le meane temps de luy leſſer alarge &c. per cest suretie, &c. ¶ Et si donqz al iour de ceo bziefe reſ le party excommeng. ne vient, ne ses manucaptoz, donqz serra nouel bziefe agard al Mir̄ de pzendze arere le partie issint excommenge &c. donec sanctæ Ecclesiæ tam de contemptu quā de iniuria ab eo fuerit satisfact̄, & auxy de pzendō les manucaptz, de eux aū auant le Roy en son bank a certeine iour &c. ad satisfac' tam nobis quam ꝑfato Episcopo, & a cestuy a q̄ suit il fuit excommenge &c. & ouster de faire cōe le Court agardō &c. Et si al iour done en Chaunc̄ p le bziefe de Scire fac', Leuesqz & le party, a q̄ suit il fuit excommeng. appeř, & auxy cestuy q̄ est excōmenge appeř a mō le iour &c. & le matř ne poit estre determine a cest iour: donqz iour serra done ouster a ambideux parties al auter terme a certein iour &c. & donqz le party issint excōmeng. aūa espeř Superſ. al Mir̄ reherſ. cest matter, luy commaundōt q̄ il ne luy pzendze tanqz al dit iour &c. sil ne eit auterment commandement per le Roy &c.

¶ Sont

¶ Sõt auꝛs bꝛiefs en le Regiſter q̃ ſont appelles bꝛiefs de Signif. pur ceo q̃ ils ne ſerra grant auant q̃ leueſqz ad fait certif. p ſes letꝛs patẽts ſouth ſ̃ ſeale en le chãcerie del matꝛ ſur q̃ le bꝛiefe ſerra iſſint grãt. B

¶ Et vn bꝛiefe eſt, lou home eſt clerk conuict pur le felony, & puis fait ſon purg. oꝛe leueſqz certif. tiel purgat fait ẽ chanc̃ p ſes letꝛs &c. & ſur ceo q̃ fuit clerk cõuict aũa eſpecial bꝛiefe hoꝛs del chanc̃ direct al vic̃ de reſtoꝛer luy ſes bñs & chatelx pꝛiſes. &c. Rex vic' Lincoln' ſal', Cũ C. de P. pſona eccl'ę de R. nup d' raptu vxoris S. & de aſportac' bonorum ſuorum corã dilecto & fideli noſtro W. & ſocijs ſuis Iuſtic' noſtris prout mos eſt, eid' epiſcopo liberatus ibid' innocentiã ſuã ſup eodem crimine coram eodẽ ordinario legittim purgauerit, ſicut id' eps per lr̃as ſuas patẽtes nobis ſignif: tibi pcipimus qd' eid' C. tras, bona, & catalla ſua per te in manum noſtram occaſione premiſ. capta, niſi fugam fecerit ead' occaſione, ſine dilatione reſtituas de gratia noſtra ſpeciali, Teſte &c. B

¶ Et autiel bꝛiefe eſt pur iheire le clerk apꝛes le moꝛt a delũ a luy les tres &c. & en le fin del dit bꝛief ſont ceux poꝛx ſine dilatione de gratia noſtra ſpeciali, per q̃ ſemble q̃ ceux poꝛx, De gratia noſtra ſpec' ne ſont poꝛx de neceſſitie, mes de foꝛme pur honoꝛ le Roy, & q̃ le Roy ũ dꝛoit doit faire tiel reſtitution.

¶ Et ſi home dũ ſ̃ clergie deuant les Iuſtic̃, & lis come clerk, & ꝛdinarie eſt dũ, & ne bient, p q̃ les Iuſtic̃ cõmand le clerk al goal areꝛ̃ &c. oꝛe al ſuit ꝛdinarie, ou de ſ̃ vicar geñal, al Roy, ou a ſon chancelꝛ, il aũa bꝛiefe hoꝛs del chãcerie direct as Iuſtic̃ de goale deliuery, recitant le matꝛ &c. eux commandant q̃ ils maũdera al goaler &c. de deliuer luy al Oꝛdinarie &c. B

¶ Si hõe ſoit pꝛis hoꝛs deſgꝛ ou de ſanctuarie enconꝛ ſa volunt, oꝛe ſi leueſqz certifie ceo matꝛ en chancerie p ſes letꝛs patents ſouth ſon ſeale &c. deſirant reſtitution donqz la roy maundeꝛ ſon bꝛief as Iuſtic̃ de goal deliuery, reherſ. ceſt matꝛ, eux commanꝺ de luy faire ameſñ a lieu de quel il fuit iſſint pꝛis &c. C

¶ Si Abbe ou Pꝛioꝛ certifie p ſes letꝛs en chanc̃ ſouth ſ̃ ſeale de ſ̃ moigñ & chanõ ou frere q̃ eſt vagarant hoꝛs de ſon oꝛꝺ̃ &c. en le pais, donqz ſur ceo certif. il auera bꝛiefe al vicont de luy arreſter & ꝑnꝺ̃, & de luy deliuerer a ſon Abbe ou Pꝛioꝛ &c. ou a ſour attourney &c. de luy chaſter ſolonqz le rule de ſon oꝛder &c. D

MEs en diuers cales home nauera cẽ briefe coñt q̃ il soit prise & deteign en prison, cõe si home soit pris pur mort de home, Ou si home soit pris p commaundemẽt le Roy, ou si home soit pris p commaundemẽt de chiefe Iust. come apiert p le Register, mes lestat de West. primẽ, q̃ il ne serra repleuisable, si soit pris per le commaundemẽt des Iust. & ne dit le chiefe Iustice.

¶ Et auxy si home soit prise p commandemẽt des Iust. de forests, ou homes q̃ sont vtl', ou si home abiuẽ le Roialme, ou si home soit approuor, ou si home soit prise p felony ou manñ, ou ceux q̃ enfreint le prison le Roy, ou ceux q̃ sont cõmon & publike larons, ou ceux q̃ sont appels pur approuor cy longement come les approuors viuer, sils ne sont de bon fame, ou pur arter de measons felonousmẽt fait, ou ceux q̃ fauxeñ le money, ou le seale le Roy, ou ceux q̃ sont pris per certificat Leuesq̃ p brief de Excõmunicato capiendo, ou ceux q̃ sont p̃ses p treason touchant le Roy, ou ceux q̃ sont conuicts p briefe de Reddisseisin &c. touts ceux persons ne sont repleuisables p cõmon brief de Homine replegiando. Mes primes ils couient faire lour fines, ou agree oue le Roy, & sur ẽ dauer especial briefe as Iustic̃, ou ceux q̃ eux deteign en prison, rehersant coñt ils ont fait lour fines &c. eux commaundent de luy deliuerer &c.

¶ Et si ij. homes ou trois sont p̃ses & imprison, ils poyent suer vn ioint briefe de Homine repleg. & vnt Hil 8.H.4. 31, tiel briefe sue p deux fuit abat. Mes vnt le ley semble, q̃ ils poyent suer iointiñt. Et le briefe serra tiel. ¶Rex Vic' Lincoln &c. Præcipimus tibi, quod iuste & sine dilat repleg fac' B.C. & D. quos tu ipse cepisti & captos tenes, vt dicitur: vel quos D. & E. ceperunt, & capt tenent vt dicitur, nisi capti fuerint per special' præcept nostrum, vel capitalis Iustic nostri, vel pro morte homiñ, vel pro foresta nostra, vel p aliquo alio recto, quare secundum consuet Angl' non sine repleg. ne amplius clamorem inde audiamus pro defectu iustic. Teste &c.

¶ Et sur ẽ il auera Al' & Plur̃ & Attachment si besoign soit. Mes si cestuy que prist le home, claime luy come son villeine, & ceo retorne per le Vicount sur le Pluries, ou sur le Alias repleg. donques le pl' auera auter briefe de Plur̃ al Vicount, Sir.

¶Rex Vic' &c. Quum tibi plur̃ præceperimus, qd̃ iuste &c. W. quem H. cepit, & capt̃ tenet, vt dicitur, nisi capt̃ esset, &c.

non

non ſit replegiabilis, vel nobis cauſam ſignificares, quare &c. ac tu nobis returnaſti, qđ acceſſiſti ad manerium p̄dict̄ H. ad replegiand' ibm̄ p̄đ W. iuxta tenorem mandati noſtr̄ p̄đ, ſed p̄đ H. deliberation̄ corporis ipſius W. non fieri p̄miſit, eo qđ aſſerit ip̄m W. eſſe natiuum & fugitiuum ſuum manij ſui p̄đ, clamando ius natiuitatis & ſeruitutis in perſona ipſius W. infra dn̄ium manerij ſui &c. Nos volentes quod p̄đ W. ſi liber homo ſit p̄ hm̄di caption̄ & clameū, lege communi deſtituat: Tibi p̄cipim⁹, qđ ſi p̄đ W. inuenerit tibi ſufficient̄ caution̄ &c. eſſendi coram nobis à die S. Mich. in xv. dies &c. ad rn̄dend', p̄ſ. H. ſi &c. tunc ip̄m W. interim repl' fac' iuxta tenor̄ mandatorum nr̄orum &c. & nihilominus ſi p̄đ W. fecerit te ſecur̄ de clam̄ ſuo &c. tunc pone p̄ vad̄ &c. p̄đ H. qđ ſit corā nobis ad diem p̄dict̄, p̄đ W. de captione et clameo p̄đ reſp̄, et habeas ibi nomina pleg', et hoc breue &c. ¶ Et en m̄ le maſ ſerra fait en Homine repl', ſi le def. claim̄ le pl' cõe ſõ gard, donqz ſur ceo retorn̄ al Plur̄ p̄ le Vic̄ le pl' aũa eſper̄ bziefe come auant reherſ. q̄ il tient m̄ le terr̄ del def. p̄ ſocage, & nemp̄ p̄ ſeruice de chiual', commandant le Vic̄ de luy deliuer̄ &c. & de mitt̄ le def. p̄ pledges dappearer a certein iour, cõe auant, de reſp̄ al pl' &c.

¶ Et ſi hõe ſoit pꝛiſe deins les Cinqz pozts, donqz il aũa A bꝛiefe de Homine repl', direct al Conſtable de Douer, & al Gardein del Cinqz Pozts, ou a ſon Lieutenant, en nature de Audita quærela, & le bꝛiefe ſerra.

¶ Rex dilecto &c. Conſtabular̄ Caſtri ſui Douer̄, et cuſtod̄ Quinque Portuum ſuorum, vel eius locum tenenti ſalutem. Mandamus vobis, quod Audita quærela A. quem B. cepit et infra libertat̄ portuum prædict̄ captum tenet, vt dicitur, vocatiſque coram vobis partibus prædict̄, auditiſque hinc inde eorum rationibus, ipſum A. ſi ſecundum legem et conſuetud' portuum prædict̄ replegiabilis fuerit, replegiari faciatis, niſi capt̄ ſit per ſpeciale prꝛceptum noſtrum, vel capitalis Iuſtic' noſtri &c. ne amplius inde clamorem audiamus pro defectu iuſtitiæ &c.

¶ Et ſi hõe ſoit pꝛis p̄ les offic̄ del fozeſt, donqz il aũa bꝛe de Homine repl', direct al Gardeine del fozeſt en tiel fozme.

¶ Rex dilecto & fideli ſuo W. de B. cuſtodi foreſtæ ſuæ citra Trent, vel eius locum tenenti in foreſta de S. Mandamus vobis, qđ ſi A. et B. capti et detenti in foreſta de S. pro tranſgr̄ venationis per ipſos facta, vt dicitur, vnde indictat̄ ſunt, inuen̄ vobis, viz. vterque eorum duodecim probos et legales

holes de balliua vra, qui eos manucapiant habere coram Iustic' nris proxim itinerantibus ad placita forestæ in Com N. cum in partes illas venerint ad stand' recto de transgr pdict, tunc ipsos A. & B. si scd'm ass. forestę replegiabiles fuer pdict xij. interim tradas in ball', sicut pdict est, & habeas ibi nomina illorum xij. hominum, & hoc breue. Teste &c.

B ¶ Et si le gardein ne voile lesser luy a mainprise, il auera Alias, & Plur, & Attachm̃t vers le gardein, direct al Vic̃ q̃ luy attacher dest̃ deuant le Roy en son bank, a mc̃er p q̃ il nad luy pleuie &c. Et en m̃ le brief serra conteigne, q̃ le Vic̃ appell' a luy les verdors, & face deliu̇ cesty q̃ est illint pris en plence des verdors p bon mainp, & le Vic̃ deliu̇ lez noimes des mainpernors a ms les verdors a resp en eyre deuant Justices. ¶ Et nul hõe serra pris ne enprison pur vert ne veneson, sil ne soit troue oue le man, ou endict, en q̃l cas il serr̃ lesse a mainprise p le gardeine de son office, ou autrm̃t per brieue come est dit &c.

C

D ¶ Pur chaser en chases le Roy, ou dauñ person, il coũt suer al commen ley, & pur cel home ne serra prise & enprison tanqz il soit conuict per common ley en action sue vers luy. Mes pur chaser en parks &c. le partie auera action deins lan & iour sur lestatute de Westm̃ 1. cap. 20. Mes aprez lan & iour le Roy auera le suit.

E ¶ Et si home ad ascun parke deins les bounds dascũ forest, le q̃l park nest enclose secund' Assis. forestæ &c. donqz il serra seisie en mains le Roy, & dõqz le party aũa especial brief de Repleuin, de repleuiser park horz de main le Roy, & le briefe est tiel.

¶ Rex dilect̃ & fideli suo W.B. custodi &c. vel eius locũ tenenti in foresta de S. salut̃. Mandamus vobis, qd̃ parcũ A. de B. & I. qui est infra metas foreste nr̃e pd̃, & qui p eo qd̃ non includitur scd'm assisam foreste captus est, vt dicitur, in manum nostram, si scd'm assisam foreste replegiabilis existat eidem A. vsq; ad aduentum Iustic' placit̃ forestæ in Com̃ pdict̃ Replegiari fac'. Teste &c.

F ¶ En Homine repl', le def. claim̃ le pl̃ pur son villein, & le pl̃ plede q̃ il est frank, & dit q̃ le def. ad prise ses biens, & pria q̃ il poit gage deliuerance &c. per q̃ le def. gage deliuerance, mes le pl̃ ne trouera suretie q̃ il redeliuer̃ les biens &c. sil soit troue villeine, quod vide M.6.E.4.

G ¶ Mes en Homine repleg. si le def. claime le pl̃ come son villeine, le plaintife coulent trouer surete de deliuer son

corps

corps al def. sil soit troue son villein, quod vide Pl. 31. E. 3.

¶ Et en Homine repl', le pl' fuit lie en recognizãce ẽ certain sũme al oeps le def q̃ il luy sueẽ cũ effectu, & si l' bẽ soit abate p̃ alt cãe, vncore il conũt suer auk briefe p̃ cẽ prisel &c. aukũt il forfeit cest recognisance, cõe appt Hy. 8. Hy. 4. A

¶ Si home sue Homine repleg. & le def. claime le plaintif pur son villein, si le vit retorñ ceo sur le Alias, ou s le Plus en bank le roy, ou cõmõ bãk, ou le brieue est retornabl', dõques sur suerty troue en bãk, ou le brief est ret p le plaintif de rendr son corps &c. il aũa especial brieue al vic de delitũ le pl' hors de prisõ &c. Mes p le Register, il aũa especial briel al vic de p̃nd le suerty del plaintife, & de suer cũ effectu, et de rendr son corps &c. si &c. Mes a cest tour le vse est, que il troueẽ suerty en le court &c. & nemy dagarder brieue al vic q̃ il p̃nder suerty &c. quod vide My. 8. Hy. 4. 3. B

¶ Et en Homine repleg. si le vic ret, q̃ le def. ad esloigñ le corps le plaint, ilsint q̃ il ne poit faire deliũance &c. donqs le pl' aũa Capias en Withernam de prendr le corps le def. & luy deteign &c. tanqs &c. soit il pere du royalm, ou auter cõmon plon: et si le vic ret Non est inuẽtus, sur cest Caſ en Withernã del corps, donqs le pl' aũa Caſ en Witherñ des bñs le def. &c. qd' vide My. 11. Hy. 4. en title de Withernñ. E

34 ¶ Breue del Repl' de auerijs.

SI home prist viue chattels plusors q̃ vn beast, donqs le brieue de Repl' est. D

¶ Rex &c. Præcipimus tibi quod iustè & sine dilatione replegiari fac' B. aũa sua, quæ D. cepit & iniustè detinet, vt dicitur. Et postea eum inde iustè deduci fac', ne amplius inde clamorem audiamus, p defectu iustitiæ &c.

¶ Et sil prist forsqs vn viue beast, donqs le brieue serra.

¶ Rex &c. Præcipimus quod repl' fac' B. quendam equum suum, vel quoddam iumentum suum, vel bouem suum &c.

¶ Et si home prist mort chattel, donqs le brieue serra.

¶ Rex &c. Præcipimus &c qd' repl' fac' B. bona et catalla sua, et en le count il convient declar de diuers choses. Mes sil prist forsque vn chose que est mort chattel, donques le brieue serra. ¶ Rex &c. Præcipimus tibi &c. qd' repleg. fac' B. quod rete, vel quoddam examen apium suorũ, vel quoddam ferr molend' sui. Et si le vic ne fait riens sur cest brẽe, il auera vn Alias repleg. fac' &c. & en ñ le brieue il poit aũ cest clause, vel causam nobis significes, quar mand' nr̃m al' E

tibi inde direct exequi noluisti, vel non potuisti &c. & donqz ceſt briefe ſerra retornie en bank le roy, ou en cõmon banke, & sil ne face ſeruer ceſt briefe, dõqz il aũa vn Pluries retornable en bank le roy, ou en common banke, et en le Plur̃ ẽt touts dits ceſt clauſe mis: vel cauſam nobis ſignifices: mes nemy en le Al' repl', ſinon q̃ le party pl' voile auer rẽo mis en le bꝛ̃. Et le pty pl' poit ſuer touts ceux briefs, s. le Repl', le Al', et le Plur̃, & tout a vn temps, & deliuer eux al viꝛ̃, cõe a luy ſembl' bon. Et ſi le viꝛ̃ ne retornñ le Pluries, donqz le pl' poit aũ Attachm̃t vers le viꝛ̃, direct as Coꝛoñs.

¶ Et appiert per le Regiſter, ſi le viꝛ̃ ret̃ ſur le Repleuin, Sicut alias, ou Plur̃, que il ad maund̃ al bailie de franchiſe &c. q̃ nul rñs fait a luy, on que il ne voile faire deliuerance &c. que adonqz le pl' aũa vn Non omittas al viꝛ̃, que il doit enter en le franch. & faire retornñ, & ſi le viꝛ̃ ne r̃ fait, q̃ il aũa Alias Non omittas direct al viꝛ̃, & ãps Plur̃ Non omittas, &c. Mes il ſemble q̃ ceſt retornñ, Quod mandaui Balliuo libertar̃ &c. qui nullũ mihi dedit reſponſum, ou ret̃, q̃ le bail ne voile faire deliuerance &c. ne ſont bon retornes, car per leſtat̃ de W. 1. cap. 27. in fine eiuſdẽ ſtatuti appiert, q̃ le viꝛ̃ ſur tiel ret̃ fait a luy p̃ le bailie, doit maintenant ent̃ en le franchiſe, & fair̃ deliuanc̃ del chatl' pꝛiſe &c. Et iſſint appt, q̃ le viꝛ̃ poit faire p̃ leſtat. de Marlb. ca. 21. ſi pl'cꝛ de Vetiro namio ſoit en le coũty p̃ plaint deuãt le viꝛ̃. & le viꝛ̃ maund̃ al baily de franchiſe de faire deliuerance &c. & le bailie ne fait riens, que adonqz le viꝛ̃ de ſon office poit ent̃ le franchiſe ſans aſcun briefe a luy direct en ceo caſe.

¶ Et ſi le viꝛ̃ ſur le Plur̃ retornñ quod p̃dict̃ B. auerid̃ p̃d' A. cepit, et ea fugauit de com̃ pręd in com̃ F. p̃ quod ea eidẽ A. repl' non potuit &c. Dy ſi le viꝛ̃ retornñ que il maund̃ al baily de franchiſe de D. cui rei breuium &c. que a luy reſpond̃, q̃ les auers ſont eſloignes en diuers liberties, p̃ que il ne poit auer le view de eux, ne de faire deliuerance &c. Dy ſi le vicont retorne, que il m̃ ne poit auer le view des beaſtes a faire deliuerance. Dy ſi le vicont retorne, que ãps le pꝛiſel &c. que le def. ad eſloigne les beaſts hors de ſon baily wike, per que il ne poit faire deliuerance. Dy ſi le viꝛ̃ retorne, que le def. ad eſloigne les beaſts as lieux nient conus, per que il ne poit auer le view des beaſts a faire deliuerance. Dy ſi le viꝛ̃ retornñ, que il maund̃ al bailie del franchiſe &c. que luy reſpond̃, que le def. ad emparke les beaſts deins le rectorie del Elgl' de C. per que il ne

ne poit faire deliuerance &c. Sur ceux retornes faits per le viĕ, le pl' auerĕ vn bĕ de Withernam, de prendr tants des beasts le def. & serra direct al vicont, & le briefe serra tiel.

¶ Rex Vic' &c. Cum plur tibi pceperimus, qd' iustè &c. A. aueria sua quæ B. &c. detinet vt dicitur, vel causam nobis signific', quare mandatum nrm plur inde tibi direct exequi noluisti, vel non potuisti, ac tu nobis significaueris, quod postquã pdict' B. aueria pd A. cepit, & in com tuo ea fugauerit, et de com pd in com C. per qd' ea eidem A. replegiar non potuisti: Nos malitiæ ipsius B. obuiare volentes in hac parte: Tibi pcipimus, qd' aueria pd B. in balliua tua sine dilatione capias in Witherñ, et ea detineas donec eidem A. aũia sua pd, secundum consuetd regni nri replegiare possis, iuxta tenorem mandatorũ nrorũ pd prius tibi &c.

¶ Et nota q̃ en le bĕ de Witherñ ceſt cãe, q̃ le viĕ ret sur le Plur' &c. contĕt estre mis & reherser en le bĕ de Witherñ, come est specifie auant. Et si le viĕ ret sur le Plur', q̃ il ad maund al bailie del franchise &c. que luy resp, q̃ les auers sont esloignes &c. donq̃ il auera Witherñ direct al viĕ, & le viĕ maundeĕ al bailie del franchise de suer le Witherñ, & si le bailie ne face execuĕ, ou ne done asc̃ respons al viĕ del pcept direct a luy, donq̃ le pl' aũa vn Witherñ direct al viĕ one vn Non omittas ,ppter aliquam libertatem &c. quin eã ingrediaris &c. & de prendre en withernam &c.

¶ Et appiert per le Regiſter, si home sue Repl' en le com p pleint sans briefe, & le bailie retorñ al viĕ q̃ il ne poit aũ le biew des beasts a faire deliuerance, donq̃ le viĕ coutent inquirer de ĕ p enquest de office, & si ceo soit troue per enquest, q̃ les beasts sont esloignes &c. donq̃ le viĕ en county court poit agarder vn Witherñ de prendr les beasts le def. Et si le viĕ ne voit agarder le Withirñ, donq̃ le pl' poit auer vn briefe hors del Chancery direct al viĕ reherſant ceſt matter, luy cõmandant de agarder vn Withernam &c. & poit auer vn Alias, & puis vn Plur, & Attachmt vs le vicont, sil ne voile execute le cõmaundemt le Roy &c.

¶ Auxy home aũa Repleuin de plusors de beasts q̃ sont prises: Come si home prist plusors baches, ou barbits, et puis ils ont diuis beaus ou agneis, le pl' aũ son Repl' de touts, cibñ de ceux come del baches ou barbits prises.

¶ Et le viĕ sur pleint fait a luy de prisel des beasts, poit cõmaund son bailie p parol de faire repleuin, & ceſt cybien come le vicõt auer fait pcept a son baily de faire Repl', car

per

per cas le vicont ne son bailie ne scier escrier &c. ou que ils fault ceux choses, oue q̃ux ils scier̃ &c.

¶ Et le shr aũa Repl', si les beasts son villein sont pris: ses, & vncore il nauoit ꝓpertie en eux al tẽps del prisel &c. mes ore per son claime il ad &c. Mes semble que il naueru dammages pur le prisel des beasts, mes solement pur le detinue, sil soit trone oue luy &c. *Omr. Tybry his case*

G ¶ Et issint si home prist beasts pur dam̃ feasant, & lauter offer sufficient amendes, & il refuse &c. ore sil sue Repl' &c. pur les beasts, il recouera damages soleñt pur le detinue de eux, et nemy pur le prisel, pur ceo q̃ fuit loyal.

¶ Et si le shr prist les beasts son tenãt tortiousliñt, & puis les beasts reuenẽ al t̃, vncore le t̃ aũa Repl' vs le shr pur ceux beasts, & recoũa ses dumages pur le tortious prisel, pur ceo q̃ il ne poit auer briefe de Trespas vers son seignior pur cest prisel. *Com fordy rapt &c.*

J ¶ Et si home distr̃ en vn counte, & enchasa les beasts en auter counte, le party suer̃ Repl' en q̃l des counties que il voile, ou en ambideux &c.

K ¶ Et si les beasts dun feme sole soient prises, et puis el: prist barõ, le barõ sole poit suer Repl', qd' vide ¶.33.E.3.

L ¶ Et en Repl', si le pl' count q̃ le def. vnt̃ ad, & detient les beasts &c. & le def. appeare, & puis fait default, le pl' auera iudg. de recoũ tout en dam̃, sibñ le value de ses beasts, cõe dam̃ pur le prisel, & ses costages &c. M.8.H.8.Rot̃ 108.

35 ¶ Breue de Pone de remouer le plee.

M ET nota, que si Repl' soit sue p̃ briefe hors del Chancery, donq̃s si le pl' ou def. voile remouer cest plaint hors del coũty en cõmon bank, ou en bank le roy, il couient suer vn briefe hors del chancery, que est appel vn Pone, & le briefe serra tiel. ¶ Rex Vic' Lincolñ salutem, Pone ad petitionem petentis coram Iusticiar̃ nr̃is apud Westm̃ tali die loquelã quæ est in com̃ tuo, p̃ breue nr̃m inter A. & B. de auerijs ipsius A. captis & iniustè detẽt̃ vt dicitur, & sum̃ p̃ bonos sur̃ p̃d' B. qd' tũc sit ibi p̃f. A. inde rñs & hẽas ibi sum̃, & hoc bre.

¶ Et si le briefe de Pone serra retorn en bãk le roy, dõq̃s le briefe est tiel. ¶ Rex &c. Pone ad petitionem petentis coram nobis vbicunque tunc fuerimus in Anglia, loquelam &c. *vt supra.*

¶ Et cest briefe est sue p̃ le pl' sans mitter ascun cause en

en le briefe del remouement &c.

¶ Mes si le def. voit remoū le plee fait en le County sur Repl' sue p briefe, donqs il comēt mitter euident cause en le briefe apres le Teste del briefe, & le forme del briefe est tiel. ¶Rex Vic' &c. Pone coram Iusticiarijs nr̄is apud Westm̄ tali die loquel' quæ est in Com̄ tuo p br̄e nr̄m int̄ A. & B. de auerijs ipsius A. captis & iniustè detentis, vt dicitur, & diē præf. A. qd̄ sit ibi loquelam suam versus præd' B. inde ꝓsecutur̄ si voluerit, & habeas ibi hoc breue, & aliud breue. Teste &c. Et quia p̄d̄ B. cepit aūia p̄d̄ in feodo suo ꝓ consuetud' & seruic' sibi debitis, vt dicit̄, Fiat executio istius br̄is, si causa sit vera, & præd̄ B. hoc petit, & aliter non. **Et poit monstre pluſors autes causes,** quia præd' B. & C. cepeř aūia prædict̄ in feodo ipsius B. ꝓ consuetud' &c. Fiat executio &c. *vt supra, vel sic:* Quia A. clericus D. Vic' Com̄ p̄d̄ qui frequenter in absentia Vic' Com̄ illius tenet placita eiusdem Com̄, est cons. præd̄ A. ꝓpter qd̄ idē Vic' fauet ipsum A. in loquela præd̄, vt dicitur, Fiat executio &c. *vt supra &c.*

¶ Et issint poit monstr̄ cause q̄ induce aſcun fauor, q̄ le Viř doit, ou est fēble de faire al party pl', *vel sic:* Quia p̄d̄ B. clamat p̄d̄ A. esse natiuum suum, & ea occasione asserit aūia p̄d̄ esse sua ꝓpria, ꝓpter qd̄ loquela illa in Com̄ deduci non debeat, vt dicitur, Fiat executio &c. *vt supra.*

¶ Et si le Repl' soit sue p briefe en auter Court de auter sñr q̄ de Roy, donqs le plaint ne poit estre remoue deuant Iustic̄ p le pl', ne p le def. sans cause mitter en le briefe, & le briefe est, Pone ad petitiō petentis loquelā quæ est in Com̄ tuo p br̄e nostrū inter R. & Abbat̄ de W. & I. de quodā equo ipsius R. capt̄ & iniustè detento, vt dicitur, & sum̄ per bonos sum̄ p̄d̄ Abbat̄ & I. qd̄ tunc sint ibi p̄f. R. inde resp̄, & habeas ibi hoc breue, & aliud breue, Teste &c. Quia prędt̄ Abbas est dñs Curiæ in C. in qua loquela illa pendet p retornū breuis nr̄i, p qd̄ idē R. in loquela p̄dicta in eadem Curia versus p̄f. Abbatem, & I. iustitiam consequi non potest, vt dicitur, Fiat executio &c. *vt supra.*

¶ Et si le plee soit remoue al suit le pl', donqs quant il ad monstre cause en le fine del brief, si dirra en m̄ le briefe apres, ꝓpt̄ qd̄ idē quærens in loquela sua p̄d̄ versus p̄fat̄ B. in eadē Curia iustitiam consequi non potest, vt dicitur.

¶ Et si le plee soit remoue al suit le def. donqs aps le cāe mēe en le brief, serra dit, ꝓpter qd̄ idē balliuus fauet ipsum A. in loquela sua p̄d̄, vt dicitur, Fiat executio &c. *vt supra.*

ET quant le plaint eſt en le Countie, & le Repleuin ſue la ſans bꝛief, donqꝫ ſi le pl' ou defendant voile remouer ceſt plaint, il conſ̃et ſuer vn bꝛiefe de Recordare hoꝛs del Chancerie, direct al Viſ̃ &c. & le bꝛiefe ſerra tiel.

¶Rex Vic' Lincoln̄ ſaluꝫ, Pꝛecipimus tibi, qđ in pleno com̄ tuo recordaꝛ̃ fac' loquel' quæ eſt in eodē̄ com̄ ſine breue nr̄o inter A. & B. de auerijs ipſius A. captis & iniuſtē̄ detentis vt dicitur, & recordꝫ illud habeas coram Iuſticiarijs noſtr̄ apud Weſtm̄ tali die &c. ſub ſigillo tuo, & ſub ſigillis quatuor legal' Milit̄ eiuſdē̄ com̄, ex illis qui recordꝫ illi interfuer̄, & partibus eundem diem præfigas, qđ tunc ſint ibi in loquela illa, prout iuſtum fuerit ꝓceſſur̄, & habeas ibi nomina p̄dictoꝝ quatuor Militum, & hoc breue. Teſte &c. Fiat executio iſtius bꝛ̄is, ſi p̄đ A. hoc petat, & aliter non.

¶Et p t̄ appiert, q̄ le pl' poit remoū le plaint p Recordaꝛ̃, **ſans mitt̄ aſſ̄ cauſe en le bꝛief: Mes le def. ne remouera le plaint p** Recordare, **ſans mitter cauſe en le bꝛiefe, come eſt dit auant ſur le** Pone. **Et le cauſe pur le def. poit eſtre tiel,** Quia p̄đ B. in placitād̄o aſſerit ſe aūia p̄đ cepiſſe in ſeperal' ſolo ſuo, vt in dampn̄ ſuo ibiđ, in quo quidē̄ ſolo p̄đ A. clam̄ habere coīam paſtur̄, vt dic', quę quidem loquela, eo qđ tangit liber̄ tenement̄ (vt p̄dict̄ū eſt) in eodē̄ comitat̄, ſecundum legē̄ & conſuetud' regni nr̄i, ſine bꝛ̄i nr̄o placitari non debet. Fiat executio iſtius bris, ſi cauſa ſit vera, & p̄đ A. hoc petat. **Et ſi** Repl' **ſoit ſue p plaint en Court dauāt ſ̄mioꝝ q̄ en le com̄ deuant le Viſ̃, donqꝫ le** Recordare **q̄ eſt ſue per le pl' ou def. ſerra direct al Viſ̃, & le bꝛiefe ſerra tiel.** ¶Rex Vic' Lincoln̄ ſaluꝫ, Præcipimus tibi, qđ aſſumptis tecum quatuor diſcretis & legalibus Militibus de com̄ tuo in ꝓpria perſona tua, accedas ad Curiam W. de C. & in illa plena Curia recordari facias loquelam quæ eſt in eadē̄ Curia ſine breui noſtr̄ inter &c. & record' illud habeas ſub ſigillo tuo, & ſigill' quatuor legal' hominum eiuſdē̄ Cur̄, qui recordꝫ illi interfuer̄, & partib⁹ &c. *vt ſupra*, Quia p̄dict̄ A. eſt balliuus p̄dict̄ W. de C. Curiæ ſuæ p̄dict̄, & tenet placita eiuſdem Cur̄, & Iudex in ſua cauſa eſſe non debet.

¶ *Aliud* Recordare *ſic*: Accedas ad Wapentag' noſtrum de H. *Vel ſic*: ad Hundred' nr̄m de I. *Vel ſic*: ad Tithingū noſtrū de L. & in pleno Wapentag' illo, *Vel ſic*: in pleno Hundred' illo, *Vel ſic*, in pleno Tithingo illo &c. **Et ſi poit monſtr̄ auters cauſes come le caſe eſt. Et ſi le** Recordaꝛ̃ **ſoit ſue retoꝛnable en common bank, & al iour del ret̄ le Viſ̃ retoꝛn̄ ceo**

Tarde:

Tarde: ozẽ le party q̃ sue cẽ Recordar aũa Sicut al' recordar̃ hozs del common bank direct al Mir̃ ꝛc.

¶ Et si le pl' soit disconk en le com̃, vnk̃ le pl' ou defend̃ pout remou̇ cẽ plaint en le common bank, ou bank le Roy, p Recordar̃ &c. & serra don, & il poit counk̃ sur ẽ ꝛc. & le Court ten̄ plee sur ẽ plaint, car si le plaint soit continue en le com̃, & issue ioine sur ẽ, vnk̃ riẽs serra remoue forsq̃ le plaint solement, & en le cõmon bank le pl' counk̃ de nouel ꝛc.

¶ Et en Recordar̃ a remoues record hozs daunk̃ dem̃, le brieue dirẽ, loquelã & ꝓcess. & nemy record' &c. qd vide 39. H.6. p touts les lustices, vnk̃ le forme del Register ẽ l' record come auant est dit, est. & record' illud habeas &c.

¶ Si record soit remoue hozs del Court de record p Recordar̃ fac' il vient sans garrantie, & le Court ne tiend̃ plee sur ẽ. Mes si record vient ẽ Court sans garẽ, le party poit suer brieue direct as Justic̃, q̃ ilz ꝓceed̃ sur cest brieue direct as Justic̃, q̃ ils ꝓceed̃ sur cõ record, quæ corã vobis residet, Si Recordar̃ pozt date auant q̃ le plaint fuit enk̃ en le com̃, vnk̃ le record est bien remoue pur ceo q̃ ambid̃ Courts sõt Courts l' Roy. Mes si l' record soit remoue hozs d̃ Court de auk̃ sor̃ p tiel brief q̃ pozt date auãt q̃ le plaint fuit enk̃, ceo nest bon̄.

37 ¶Recaption.

BRiefe de Recaption gist, ou home distreine pur rent ou seruice, ou auter chose, & puis pendant cest plee, cesty que distr̃, distreinẽ arere pur ñ le rent ou seruice, ou pur le chose pur q̃ il distr̃ auant les beasts cesty que fuit distreinẽ auant, donq̃ cesty que est issint distreine auera cest brieue, & recouer̃ ses damages pur cel second distr̃ prise. Et cẽy que prist le distresse serra fine pur son tozt, coment q̃ le primer distr̃ fuit loyalment prise, & coment q̃ le rent ou seruices pur q̃ il distr̃ fuit arer̃ ꝛc. pur ceo q̃ per le primer distr̃ il aũa retozn̄ des choses pris tanq̃ il est le rent ou seruices pur q̃ il distr̃ ꝛc. Mes pur dam̃ feasant en sa terre, home poit distr̃ les beasts cesty, queux il trouer̃ en sa terre tantost come il eux trouer̃ dam̃ feasant la, pur ceo que il eux distr̃ chesr̃ temps pur nouel tresp̃as, & nouel tozt a luy fait en sa terr̃, Tamen quære.

¶ Et si le Seignioz distr̃ pur rent ou seruices arere, et puis pendant le plee, le seign̄ command̃ son seruant de distr̃ pur

pur ñ le rent ou ſeruice, per q̃ le ſeruant ou bail' diſtr̃ le t̃ arer̃, ore le t̃ aũa briefe de Recapt̃ vs le ſñr pur ñ cel pñel.

¶ Et iſſint ſemble, ſi le ſñr diſtr̃ ſon teñt pur rẽt ou ſeruice, & puis le ſeruãt ou bailie diſtr̃ le teñt arere pur ñ le rent ou ſeruice, & le ſñr agree a cel pꝛiſel, per iſtindr̃ en aide pꝛier del ſeruant ou bailie del ſñr a luy, ore le teñt aũa briefe de Recaption vs le ſñr. Mes ſi le ſñr diſtr̃ pur rent ou ſeruice, & puis le bailie le Sñr diſtreine ñ le tenant pur ñ le rent ou ſeruice pendant le plee, ore le tenant naũa Recaptiõ vers le ſeignior, ne vers ſon bailly, comt̃ q̃ le bailly fiſt conuſ. del pꝛiſel en droit ſon ſeignior &c. car poit eſtre q̃ le ſñr nad notice de ceo pꝛiſel, ne q̃ le bailie naũa notice del pꝛiſel q̃ le ſñr fiſt auant pur ñ le rent ou ſeruice.

¶ Mes il ſemble en ceſt caſe, q̃ l' t̃ poit aũ briefe d' treſpas vs le bailie, pur t̃ ſecond pꝛiſel de ſes beaſts pur ceſt rẽt ou ſeruice pur q̃ le ſñr ad pꝛiſe diſtr̃ auant.

¶ Mes ſi le ſñr diſtr̃ pur rent ou ſeruice s t̃, & puis pẽdant le plee le ſñr diſtr̃ arer̃ pur meſm̃ le rent ou ſeruice les beaſts dun eſtrange, & nemy les beaſts cẽy q̃ fuit pꝛimes diſtr̃, ore ceſty q̃ eſt iſſint diſtr̃ naũa briefe de Recaptiõ, ne cẽy q̃ fuit pꝛimes diſtr̃, Car il conient q̃ cẽy q̃ aũa cẽ briefe de Recaptiõ auera les beaſts pꝛimes diſtr̃ auant pur meſm̃ le cauſe q̃ ils fuer̃ diſtr̃ al ſecond temps.

¶ Mes ſi home diſtr̃ les beaſts de ij. homes pur rent ou ſeruice, & puis il diſtr̃ les beaſts dun de eux arere pur ñ le rent ou ſeruice, ore il aũa Recapt̃ ſole ẽ s̃ noſm̃ dem̃.

¶ Et ſi le Sñr diſtr̃ les beaſts de aſt̃ eſtrange pur rent ou ſeruice, & puis pendant le plee le Seigñr diſtr̃ arere les beaſts ñ ceſtuy eſtrange pur ñ le rent ou ſeruice, ore ceſty eſtrange auera Recapt̃ cibien come le t̃ auera, ſi les beaſts fuer̃ pꝛiſes a les deux temps &c.

¶ Et ſi le briefe de Repl' ſoit abate &c. donqꝛ le briefe de Recapt̃ abate, come eſt adiudge en temps E. le pmer.

¶ Et ſi le ſeignior diſtrein pur rent arere a certain iour &c. les beaſts ſon tenãt, & le tenãt ſue Repleuin &c. & le ſeignior auowa pur le rent &c. & le tenant pleꝺ hoꝛs de ſon fee &c. ore ſi le Seignior pendant ceſt plee diſtr̃ arer̃ pur rent arere al auter iour apꝛes, le tenant auera briefe de Recaption, pur ceo que le title del ſeignior ſerra trie per le pꝛim plee. Mes auter eſt, ſi le tenant pleꝺ auant en le pꝛim Reſp rien arere, ou leue per diſtr̃, donques pendant ceſt plee le ſñr poit diſtr̃ pur rent arer̃ apꝛs al auter iour, pur ceo que le ſeig-

le ſeignioꝛie eſt confeſſe la, & le ꝑ nauera Recaption.

¶ Et le ꝑ ou ceſty que eſt diſtꝝ auera Recapc' auant aſt A
auowꝛy fait, & poit auerꝝ q̄ il diſtꝝ pur ꝯ le cauſe.

¶ Et en Recapc' le del. ne ſerra auowꝝ come il ſerra en B
Repl', mes iuſtifieꝝ le pꝛiſel &c. come il ſerra en treſp, car le pl' recouera damages en le Recapc' ſoleꝯt pur le contempt q̄ le del. ad fait enconꝯ la ley, & nemy pur ꝑ pꝛiſel dez beaſts, ne pur le detinue de eux. Et en Recaption neſt materiall ſi le pꝛimer pꝛiſel ſoit toꝛcious ou dꝛoiturel. C

¶ Si le plaint ſoit remoue hoꝛs del coꝯ en cõmon banke D
p Pone ou p Recordare, & puis le pl' eſt nonſue en le cõmon banke auant auowꝛie ou aꝑs auowꝛie fait, oꝛe le ſꝛ apꝛes eſt nonſute poit diſtꝝ arere pur ꝯ le cauſe, & le ꝑ naſa Recaption, pur ꝑ q̄ neſt aſt pleé pendant, & vnꝝ le pl' pout ſuer bꝛiefe de Secund' deliberac' ſur ꝯ le recoꝛd.

¶ Et ſi le ſꝛ diſtꝝ les beaſts le tenant & dun eſtrange q̄ E
ils ont en cõmon ꝑ rent ou ſeruice, & puis pendant ceſt pleé, le ſꝛ diſtꝝ les beaſts le ꝑ ſoleꝯt pur ꝯ le cauſe: oꝛe le teſt aña Recapc' pur ceux beaſts. Mes ſi le ſꝛ diſtꝝ lez beaſts le ꝑ ſoleꝯt pur rent &c. & puis pendant le pleé le ſꝛ diſtꝝ lez beaſts le tenant & dun eſtrange q̄ ilz ont en common pur ꝯ le cauſe: oꝛe il ſemble q̄ le ꝑ naſa Recapc' pur ceux beaſts pur le intereſt del eſtrange, tamen quære.

¶ Et ſi le ſꝛ diſtꝝ, & le ꝑ ſue Repl' q̄ eſt remoue en bank, F
& le conuſ. eſt dõ p bail de frankꝝ & eſt grant, & puis le baily faile de faire dꝛoit al party, oꝛe ſi deſtꝝ arere pur ꝯ ꝑ cauſe, le tenant aña Recapc', pur ꝑ q̄ le ſꝛ deuerꝝ remoue le parol en common bank arere per Reſum &c.

¶ Et Recaption giſt, lou le ſꝛ diſtꝝ auꝝ beaſts del ꝑ q̄ il G
diſtꝝ & pꝛiſt pꝛimes, cybien come ſil auer diſtꝝ ꝯ les beaſts q̄ il pꝛiſt pꝛimes, ſil ſoit pur vn ꝯ cauſe come ſembl. Et vnꝝ en 19.E.3. le iſſue fuit pꝛiſe ſur le ꝓpertie des auers, ſ. que ils fueront auters auers le plaintife &c.

¶ Et Recaption giſt cybñ lou le ſꝛ diſtrein le ꝑ areꝝ pur ꝯ le cauſe lou le pleé eſt pendant en le coꝯ deuant le Viꝝ, cybñ come ſi le pleé fuit pẽdant deuant Juſtice de recoꝛd.

¶ Et ſi le pleé ſoit penõ en le coꝯ deuant le Viꝝ, donq̄ le H
foꝛm de bꝛief de Recapc' ſerra tiel. ¶ Rex Vic' &c. Monſtrauit nobis A. qđ quũ tu aũia ſua quæ B. cepit & iniuſte detinuit, eidẽ A. ſine bꝛi nr̃o replegiaſſes, & dediſſes diem vſq; ad ꝓx. coꝯ tuum, & ꝓđ B. attachiaſſes ad rñdendũ ſuꝑ hoc ꝓfato A. idem B. poſt attachiamẽtum illud aueria p̃dicti A. iterũ cepit

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ea occasion, qua prius ea ceperat, & ea sicut prius detinet. Et quia hoc iniustum est, & manifeste contra pacem nostram, Tibi præcipimus, qd' aueria p̄dict' A. sine dilatione deliberari fac' quousq; capitale placitum inter eos terminet. Et si inuener' qd' p̄dictus B. aũia p̄d' A. iterum ceperit ea occasione qua prius ea ceperat, & ea sicut prius detinet, tunc corp' p̄f. B. habeas coram te & custodibus pl'itorum Coronæ nr̄æ ad p̄xim̄ com̄ tuum. Et si p̄ ball' tuos, p̄ quos aũer' p̄d' A. replegiat' fuerint, & p̄ alios probos & legal' hoīes de com̄ tuo c̄ouinci poter' de secund' captionē p̄ vna & ead' occasion, tũc ip̄m B. ita p̄ mīam castiges qd' castigat' illa in casu consimili timor' alijs p̄beat delinquendi.

¶ **Et si le plaint soit en l' coũty p̄ brieue ne** Repl' **pẽd denãt le viz', donqs le brief est tiel.** ¶ Rex vic' S. sal', Monstrauit nobis A. qd' cum ipse br̄e nr̄m nup̄ tibi detulisset d' aũijs suis sibi repl', q̄ B. cepit & iniuste detin̄, & aũia illa eid' A. repleg. & eidem dedisses diem vsq; ad p̄x. com̄ tuũ &c. *vt in superiore breui.* **Et si le plaint soit remoue hors del com̄ per** Recordar' **&c. donqs le forme del brieue de** Recapc' **ser̄a tiel.**

¶ Rex vic' &c. Monstrauit nobis A. qd' cum B. aũia p̄d' A. cepisset & iniuste detinuisset, & tu ad queremoniam ipsius A. p̄ut moris est, aũia illa eid' A. replegiasses, & ei dedisses die vsque ad proxim̄ com̄ tuum, & p̄d' B. attachiasses ad r̄nd' sup̄ hoc p̄tæf. A. & postmod' tibi præciperimus, qd' haberes record' loquelę p̄d' coram Iustic' nr̄is apud Westm̄ tali die p̄xim̄ preterito, idē B. pendente pl'ito coram p̄f. Iustic' aũia præd' A. iterum cepit &c. *vt supra.*

¶ **Et si l' plaint soit remoue hors del com̄ p̄ vn** Pone **en cõmon bank, donqs le brief de** Recaption **est tiel.**

¶ Rex vic' &c. Monstrauit nobis A. qd' cum ipse br̄e nr̄m nuper tibi detulisset de aũijs suis sibi repleg. q̄ B. cepit & iniuste detinuit, & aũia illa eid' A. repl', & ei dedisses diem vsque ad prox. com̄ tuum, & p̄d' B. attach. ad r̄nd' sup̄ hoc p̄tæf. A. & postmod' præceperimus loq̄l' illā poni corā Iustic' nr̄is apud Westm̄ tali die prox. præterit̄, idem B. pendente placito p̄d' coram eisd' Iustic' aũia præd' A. iterum cepit ea occasion qua prius ea ceperat, & ea sicut prius detin̄, & in cõtempt̄ p̄cept̄ nr̄or̄ Iusticiari non p̄mittit. Et q̄a hoc iniustũ est & manifeste contra pacẽ nr̄am, Tibi p̄cip̄, qd' si p̄d' A. fecerit te secur̄ de clam̄ suo p̄sequend' &c tunc pone p̄ vad' &c. p̄d' B. q̄d' sit corā Iustic' nr̄is prædict', ad r̄nd' nobis de contempt̄u præd', & præd' A. de transgr̄ præd', Et habeas ibi noīa pleg.

& hoc breue, & aueria illa eidem A. repleg facias, Teste &c.

¶ Et si home sue Repl' p briefe, e le Viē maund al bayle de franchise, de faire Repl', pur ceo q̄ le prisel sunt deins le franchise, e puis le pleint est remoue per Pone en comunon bank, e puis le sñr, ou le party q̄ dist̄ auant, dist̄ aret̄ pur m̄ le cause, donques cesty q̄ est issint dist̄ auera briefe de Recaption, e le briefe ierra tiel. ¶ Rex Vic' &c. Monstrauit nobis S. qđ cum ipse br̄e nostrum nup tibi detulisset, de quodam equo suo sibi repl', qué I. et A. ceperunt, et iniuste detinuer̄, ac balliui libertat̄ Abbat̄ de R. de C. quibus retorn̄ breuis nostri p̄dict̄ haber̄ feci sti, equum illum eidem S. replegiassent, et p̄dict̄ A. et I. attachiassent ad respondend' super hoc præf. S. et postmod' p̄ceperimus loquel' ill' poni coram Iustic' nostris apud Westm̄ tali die, anno regni nostri tertio, pręf. I. et A. pendente placit̄ p̄dict̄ coram ball' prędict̄ Abbat̄ Cur̄ suæ p̄đ, coram quibus loquela illa iuxta libertates eidē Abbati concessas per eosd' Iusticiar̄ returnata est placitand', aueria prædict̄ S. iterum cepẽ &c. *vt supra.* ¶ Et si vn sñr B ad vn Hund̄ ou wapentake, e ad power de tener plee la de Vetito namio &c. et vn home dist̄ auter la, per que il sue Repl' deins le Hundred, et pendant le plee la, le partie que dist̄ auant, dist̄ aret̄ m̄ le home, et pur m̄ le cause: donqs cēy q̄ est issint dist̄ auera briefe de Recaption en tiel forme direct al Vic̄.

¶ Rex Vic' &c. Monstrauit nobis A. qđ cū B. aueria p̄đ A. cepisset, & iniuste detinuisset, ac balliui M. de N. ad quæremoniam ipsius A. (put moris est) aueria illa eidem A. replegiassent, ac ei dedissent diem vsq; ad pxim̄ Wapentag' p̄dict̄ dñi sui de N. et p̄đ B. attachiassent ad respondend' super hoc p̄f. A. Postmodumq; tibi p̄ceperimus, qđ aslumptis tecū &c. accederes ad pręd̄ Wapentag. et in pleno Wapentagio &c. sine breui nostro inter ipsum A et p̄f. B. de p̄dict̄ auerijs ipsi⁹ A. captis &c. et record' illud &c. idem B. pendente placito &c. ea occasione qua prius &c. poni &c. *vt supra in breue de* Recapc. Et oze il appiert p ceux briefes de Recap. q̄ si hom̄ soit dist̄, e il sue repl' p pleint en le com̄ deuant le Vic̄, et puis pendant c̄ pleint, il est dist̄ aret̄ pur m̄ le cause, q̄ il auera briefe de Recaption, q̄ serra direct al Vic̄, e q̄ le Vic̄ teneā plee sur ceo briefe de Recaption. C

¶ Mes si home soit dist̄ deins alcun libertie, et il sue Repl' la p pleint, ou p briefe, e puis pendant c̄ pleint en le franchise, il ē dist̄ aret̄ pur mesme le cause per cesty person

a writ of Recaption shall be awarded to not after but to y Party in any plaint pendant

que dist̄ auant, si nauā sur ē prise briefe de Recaption, pur ceo q̄ le pleint nest pendāt deuant le bif̄ ne deuant les Justic̄, & le Roy ne doit direct le briefe de Recapt̄ sinon al bif̄. Mes si le pleint fuit remoue per Pone ou Record' hors del franchise deuant les Just̄: donqs le pty q̄ fuit dist̄ auera Recapc' cibien pur le prise que fuit fait deuant le briefe de Pone ou Record', sicome le repprise auer estre fait apres le Pone ou Record' sue.

D ¶ Et si home soit conuict deuant le bif̄ en briefe de Recaption &c. il serra amercie, & renā damages al party pur le contempt fait. Mes sil soit conuict deuant les Justic̄ en briefe de Recaption, il fra fine, & ne serra amercie, & auxi il renā dam̄ al partie pur le contempt fait &c.

38. ¶ Breue de Withernam.

E ¶ Cest briefe gist lou hō prist les beests ou biens dauk hōe & lauk party sue repl' p briefe, & Al', & Plur̄, & sur le Plur̄ le bif̄ retorn̄ qd' aūia vel bona &c. elongata sunt &c. p qd' ea repl' non potuit &c. donqs issera cē briefe de Witherna hors de cel Court ou le Plur̄ ē retorn̄, en banke le Roy, ou en le cōmon bank. Et le form̄ del briefe est tiel.

F ¶ Rex vic' Linc' sal'. Quū pluries tibi pceperim⁹ qd' iuste &c. A. aueria sua, q̄ B. &c. vel causam &c. quare mandatum nostrū pluries tibi ind' directum exequi noluisti, vel non potuisti, ac tu nobis significaueris, qd' postquā pd' B. aūia pd' A. cepit & in com̄ tuo ea fugauit de com̄ pd' in com̄ B. p qd' ea eidem A. replegiar̄ non potuisti, nos malitiæ ipsius B. obuiare volentes in hac parte, Tibi pcipimus quod aūia pd' B. in balliua tua cap̄ in Withernam, & ea detineas donec eid' A. aūia sua pd' scd̄m legem & consuetudinem regni nr̄i repl' possis iuxta tenorē mandator̄ nostror̄ pd' prius tibi &c.

G ¶ Et ē l' briefe d Withernam il doit reherse le cause q̄ le bif̄ retorn̄, pur q̄ il ne poet faire repl', cōe adire: ac postquā pd' B. catalla vel aūia illa cepit, catall' vel aūia illa aut bouē, vel equū illū, elōgauit extra balliuam tuā, ita qd' nullā deliberation inde eid' A. facere potuisti, sicut nobis significasti, nos &c. Tibi præcipimus quod catall' vel aueria &c. come le cause est, in balliua tua ad valentiam catallorum &c. prædict' A. sine dilatione cap̄ in Withernam, & ea detineas, donec eidem A. &c.

¶ Et sont diuers mans des causes, q̄ le bif̄ poet retorn̄ sur

ſur le Plaī pur q̄ il ne poet faire Repl' ac. des queux diuers appere en le Regiſter, les queux hom̄ poet la beyer.

¶ Et ſi le Viē ret ſur le Plaī repl', q̄ il ad maund̄ al bailly de franchiſe, q̄ ad retorn̄ des briefs ac. le q̄l bailie ad reſp a luy, q̄ il ne poet faire execuī del briel, pur ceo q̄ il ne poit aū le vieu des beaſts, ou del bōz, q̄ux fuer̄ p̄ſes, donqz la Court en q̄l tiel retorn̄ eſt fait, agard̄ vn brieſe de Witherñ direct al Viē, & le Viē ferī vn p̄cept al bail' d̄ libertie ſur le brieſe de Witherñ, & ſi le bailly de liberty ne fait ret ſur ī al Viē, donqz l'Viē retorn̄ tout cē matī al Court, & ſur ī la Court agard vn brieſe de Witherñ, & vn non omittas oue cel, et le forme de ceo brieſe ſerra tiel. A

¶ Rex Vic' B. ſaluī, Cum plur̄ &c. vſq; *ibi*, vel non potuiſti, ac R. de C. ball' libertatis ſ. Walrici, cui retorn̄ breuis noſtri hēre feciſti tibi reſponderit, qd̄ executionē breuis illi⁹ facere non potuit, eo qd̄ viſum aūiorum præd̄ habere non potuit, ſicut tu nobis ſignificaſti, p qd̄ tibi p̄ceperimus, qd̄ aūia p̄d̄ B. in ball' tua ſine dilaī caperes in Witherñ, et ea detineres, donec eidem A. aūia ſua &c. inde diretorn̄, vel cauſam nobis ſignif. &c. vel tu non potuiſti, ac tu nobis returnaueris, quod idem R. ball' libertatis p̄d̄ cui retorn̄ &c. habere feciſti, null' tibi inde dedit reſponſ. Tibi p̄cipimus, qd̄ non omittas ꝓpt̄ libertatē p̄d̄, quin eam ingrediar̄ &c. caꝑ in Witherñ donec &c. iuxta &c. p⁹ tibi &c. Teſte &c.

¶ Si hōe pziſt les beſts dalī hōe, & il ſue Repl' p pleint fait al Viē, p q̄ le Viē fait p̄cept̄ al bailly de faire Repl', & le bailly retorn̄ al pchein County, q̄ il ne poet repleuin faire p ī q̄ ils ſont eſloignes, ou q̄ il ne poet aū le view des beſts, donqz le Viē en m̄ le Countie Court doit faire inquiſiī, ſil ſoit voyer cōe il ad retorn̄, & ſi ī ſoit troue p enqueſt, donqz le Viē de s̄ office ſerra vn p̄cept en nature d'vn Witherñ direct a ſes bailies de p̄nd̄ tants des beſts dauī party ac. Et ſi vn Viē fait tiel p̄cept as bailly de pzend̄ les beſts del auī party en Witherñ, & le bailly ne voile ſerū le brieſe, donqz le party poet aū eſpecial brieſe hors del Chanc̄ direct al Viē, luy commandant q̄ il ferra Witherñ, & de faī execuī de ſon pzim̄ iudgemt. Et le brieſe ſerra tiel. B

¶ Rex Vic' &c. Monſtrauit nobis A. quod cum B. & C. aūia p̄dict̄ A. cepiſſ. & iniuſte detinuiſſ. idemque A. coram te ꝓſecutus fuiſſet ꝓ auerijs p̄dict̄ ſibi ſcd̄m legem & conſuetudinem regni noſtri replegiand', ac licet per I. ball' tuum quem ad aueria p̄dict̄, de dict̄ A. repleg. miſiſti, teſtatum fuerit, &

per inquiſitionem(,put moris eſt)in pleñ com̃ tuo fact' compertum, qđ iden ball' viſum de eiſdem auerijs habere non potuit ad eadem p̃f. A. replegiand', per qđ in pleno com̃ tuo conſideratum fuit,qđ aueria p̃dict̃ B. & C. in balliua tua ꝛperent̃ in Witherna, et detinerentur, quouſq; eidē A. aueria ſua p̃dict̃ ſcđm legem, et con'uetud' regni nr̃i replegiar̃ poſſint. Idem tñ A. executionem conſiderationis p̃đ nondum aſſecutus eſt, ad damnum ipſius A. non modicum et grauamen,et quia p̃f. A. ſubuenire volumus in hac parte, Tibi præcipimus,qđ ſi ita ſit, qđ aueria p̃đ B. et C. cap̃ in Witherna, et ea detineas quouſq; eidem A. aueria ſua p̃dict̃ repl' poſſes ſecundum legem et conſuetud' regni nr̃i,et iuxta conſiderationem prædict̃ &c.

C ¶ Et p ceo appiert, q̃ le Viſ̃ poit agard Withernam ou Repl' ſue p pleint ꝛc. ſil ſoit troue p enqueſt en le com̃ q̃ les beaſts ſont eſloignes accordant al retorñ del baily ꝛc. Mes ſur le Withernam agard in ł com̃, ſi le baily retorñ, q̃ lauter partie nad riens ꝛc. il auera Al' & Plur̃, & ſic infinite, & mi auter remedie la.

D ¶ Mes ſur Withernam retorñ en bank le Roy, ou common bank, ſi le Viſ̃ retorñ q̃ le party nauer̃ riens ꝛc. il añ cap̃ agard vers luy, & exigent, & ꝓces outlagar̃.

¶ En Repl' ſue p briefe, al Plur̃ retorñ, le Viſ̃ retorñ en banke, qđ aueria elongata ſunt &c. ore ſi le def. app ꝛc. le pl̃ nauera Withernam, pur ceo q̃ le def. doit gag. deliuerance ꝛc. Et ſi les beaſts le def. ſoyent priſes en Withernam, ils ne ſerra deliuer al pl̃, mes le Viſ̃ eux gardeñ tanqz ꝛc. & ceo appiert per les paroix del brief. Mes eſt dit q̃ en bank le Roy eſt vſe, que ils ſerra deliuer al pl̃, per q̃ ſemble, q̃ la forme del briefe del Withernam la eſt en auter manner q̃ eſt en le Regiſter.

E ¶ En Repl' al Plur̃ retorñ, le Viſ̃ retorñ, qđ añia elongata ſunt &c. & le def. app & plead, ne priſt point ꝛc. ore le pl̃ nañia Withernam. Et iſſint eſt ſi le def. al Plur̃ retorñ appeare, & plede q̃ les beaſts ſont morts en default le pl̃ ꝛc. le pl̃ nauera Withernam.

F ¶ Et le def. ẽ caſes añia Witherna̅ vers le pl̃, ſicome ſi le def. ad retorñ agard p̃ luy, & il ſuit briefe de Retorñ habẽdo, & le Viſ̃ retorñ ſur le Plur̃, qđ aueria elongata ſunt &c. ore il auera Scire fac' vers les pleges ꝛc. accordt al eſtatute de Weſtm̃ 2. & ſils nont riens ꝛc. donq̃s il añia Witherna̅ vers le pl̃ des beaſts le pl̃, quod vide Trinit̃ 7. R. 2.

¶ Briefe

A Briefe de Moderata miſericordia giſt en caſe ou home eſt amercie en Court Baron, ou auter Court, q̃ neſt court de recordʒ, pur trñs, ou auk offence ou ragiouſmt, donques il poet ſuer ceſt bꝛe direct al ſñr del court, ou a ſes bailles, eux commandant, q̃ ils prendr̃ moderat amercemẽt ſolonque le quantity del trñs &c. Et ceſt bꝛe eſt foundu ſur leſtatute de Magna Charta, cap. 14. Quod nullus liber homo amercietur, niſi ſecundum quantitatem delicti &c. Et le proces ſur ceſt bꝛe eſt Alias, & Plur̃, & Attachm̃t, & lattachm̃t ſerra agard eſt vers luy que le bꝛiefe oꝛiginal fuit ſue. Et le foꝛme del bꝛiefe eſt tiel.

B ¶ Rex Ball' I. de S. ſalutem, Monſtrauit nobis C. quod cum ipſe nuper amerciatus eſſet in cur̃ p̃dict̃ dñi veſtr̃ de I. pro modico delicto, in quod incidit, vos ab eo grauem exigitis redemptionem contra tenorem Magnæ Chartæ de libertatibus Angliæ, in qua continetur, Qd̃ nullus liber homo amercietur, niſi ſecundũ quãtitatem delicti, et hoc ſaluo contenemto ſuo, & villanis ſaluo wainagio: Et ideo vobis præcipimus, quod a p̃f. C. moderatam capiatis miſericordiam, ſecund' quantitat' delicti illius, ne clamor ad nos veniat inde iteratus. Teſte &c. Et le bꝛiefe de Attachm̃t ſerra direct touts foits al Vic̃, et le bꝛiefe ſerra tiel.

¶ Rex Vic' &c. Si A. fecerit &c. tunc ſum̃ B. et C. Ball' D. de I quod ſint coram Iuſtic' noſtris apud Weſtm̃ &c. oſtenſ. quare cũ idẽ A. nup amerciandus eſſet in hundred̃ vel cur' dicti dom̃ ſui de I. pro modico delicto, in qd' incidit, et nos ad requiſitiom̃ ipſius A. p̃f. Ball' p̃cepeꝛimus, qd̃ iuxta tenor̃ Magn̄ Chartæ de libertatib⁹ Ang', moderatam ab eo caperent miſericord̃ ſcd̃m quantitatẽ et modũ delicti illius, ijdẽ balliui ſpretis mandatis nr̃is pred' à præf. A. grauiorem inde redemptiom̃ p varias diſtrictiones extorquer̃ non ceſſarunt in nr̃i contempt', et ipſius A. graue dampnũ, et contra tenorẽ chartæ p̃d̃, vt dicitur, et habeas ibi ſum̃ &c. Teſte &c.

C ¶ Et ſi home ſoit amercy en court baron, lou il ne fiſt aſcun treſpas, mes eſt iſſint pꝛeſent per ſenqueſt &c. vncoꝛe ſemble que il nauera ceſt bꝛe, ſi lamerciament ne ſoyt outragiouſment. Mes ſi le ſeneſchall voit de ſon teſte demeſn̄ amercer aſcun tenaunt ou partie ſans cauſe, ſemble que le partie auera bꝛiefe de treſpas, ſil voille diſtreigne pur ceſt amercement, et ne beſoygne ſuer ceſt bꝛiefe de Moderata miſericordia.

D ¶ Si feme coue[illegible] ſoyt amercie pur treſpas &c. ſi le barõ

ſoit diſtr̃ p̃ cel, il aũa ceſt bꝛief, ſil ſoit outragioulm̃t am̃cie.

E ¶ Mes q̃l amerciam̃t ſerra pꝛis moderate, & q̃l non, ap-
piert p les paroix del ſtat, q̃ dit ſolonꝯ le quantitie de trñs,
p q̃ il ſemble, ſil excede le value del trñs, il neſt moderate a-
merciam̃t, & ceo ſer̃ intend̃ pur value de le trñs, ou offence
q̃ eſt fait al ſñr, & a cẽy q̃ aũa lam̃ciam̃t, car ſi vn t fait trñ
al auk teñt, il ſer̃ amercy pur t̃ en Court le ſñr p p̃ſentm̃t
de t̃ trñs, mes ceſt amercem̃t ne ſerra al value de dam̃ q̃ eſt
fait al teñt, mes eiant regard al tozt & dam̃ fait al ſñr pur le
tozt & miſozder fait a ſon tenant.

F ¶ Et ſi home ſont nonſuc en Court baron, il ſerra am̃cy,
& ſil ſoit outragious, il auera ceſt bꝛiefe de Moderata miſe-
ricordia, & iſſint del part le def. ſil ſoit amercy en aſſ fuit ſue
vers luy, pur ceo q̃ il eſt troue vers luy, ou q̃ il fault de fait̃
ſa ley al tour q̃ a luy eſt doñ en aſcun pleint ſue vers luy &c.
ſi le amerciam̃t ne ſoit moderate, il auera ceſt bꝛiefe de Mo-
derata miſericordia &c.

G ¶ Et en Court baron ſi deux ſont amercies p̃ vn treſpas
outragioulm̃t, ils ne ioind̃ en Moderata mĩa, car ils ſer̃ ſe-
neralm̃t amerc̃, com̃t q̃ le trñs ſoit fait tointm̃t. Et iſſint eſt
en vn pleint ſue p deux, ſils ſont nonſue, le amerciam̃t ſerra
ſeũal, & ils ne toindꝛa en Moderata mĩa, vncoꝛe ſi le am̃cia-
ment ſoit mis toint̃ ſur eux, donꝯ ſemble q̃ ils toind̃ en ceſt
bꝛief. Mes ſemble q̃ ceſt amerciam̃t deuer̃ eſtr̃ aſſiet p cer-
teine p̃ſons, quant ils ſont amercies p̃ aſcun trñs. Et ſi le
amerciam̃t q̃ eſt aſſeſſe, ſoit affirme p ſes pẽres, donꝯ ceſt
bꝛief de Moderata mĩa ne giſt, car donꝯ il eſt fait accord al
ſtatute ne Magna charta, qđ vide M. 10. E. 2. en title de Acti-
ons ſur ſtatutes en les Abridgem̃ts.

H ¶ Et il eſt appel Miſericordia, Anglicè mercy, p̃ le petite
neſſe del t̃, p q̃ il ſemble q̃ il deuer̃ eſtr̃ meins q̃ le offence, &
p t̃ ſẽble q̃ ils ſerra ſeũalm̃t amercies pur vn toint offence,
pur ceo q̃ lun ne ſerra charge pur loffence laut. Mes q̃ ils
egalm̃t pozt le charge, & payer̃ le ſumme aſſeſſe.

I ¶ Et en le common banke le cours eſt, q̃n ſont plaſors
def. amercies de faire les eſtreates del amerciam̃t ſeũalm̃t
& deliuerer al clerk de Aſſiſe, & il deliũa eux as Cozons, &
ils vſe de afferer les amerciam̃ts ſeueralm̃t.

K ¶ Et ſi ſont plaſozs dũants amercies en pleé real p̃ lou
nonluit, ils font les eſtreats ſeũalm̃t ſur eux, & deliuer eux
come auant as clerks Daſſiſe, q̃ deliuer eux as Cozoners
de afferer lour amerciam̃ts &c.

¶ Mes

¶ Mes en plee perſonal en common banke, lou ſont pluſors plaintifes noſmes, & ils amercies, le clerke añ a oblie, & ne ſcaũ monſtre comẽt le vſe eſt de faire les eſtreats vs eux. Mes en reaſon il ſemble que tout ſerra fait en vn mmanere: car ne poit prꝛperm̃t eſtre dit, q̃ hõe ad mercy monſtre ou mintẽ a luy, ſil paier ou ſerra mis a plus charge p̃ offenc̃ daſcũ auk pſon, q̃ il m̃ nad fait, car le nature de ceſt parol Mercie, eſt q̃ home ne ſerra pump a tant come il ad deſerue mes meines, per que appiert donque que cheſcun amerciam̃t ſerra ou deuẽ eſtre ſeũalm̃t aſſeſſe ſur cheſcun pur ſen offence demeſn̄, & ẽ a meind̄ ſumme q̃ il ad deſerue a paier: pur ceo Quære del vſage & maũ en le common bank, & vide leſtatute de Weſt. 1. cap. 18. p̃ equity de q̃l vſage eſt accrue & continue en cõmon bank, & bank le roy, & deuant Juſtices dall. Et le clerk dez ſwarrãts en le cõmon bank fait les eſtreats, et deliuer̃ eux as clerks dall. a deliũ eux as Cozoñs de aſſer̃ les amerciam̃ts, & les Coroñs aſſeſſe les amerciam̃ts, & eux deliñ as clerkes des aſſiſes, & ils reveliuer eux al Clerke des ſwarrants, q̃ fait les eſtreates, & donꝛ vn des Juſtic̃ de cõmon banke, oue le Clerke des ſwarrants, va oue le roll des eſtreates en Leſchequer, & la eux mitt̃ eins deuãt les Barons deſcheque. Et la fozme deſtreate eſt tiel.

¶ Staff. De Henr̃ Hart, & Will' Maner, quia non habuerũt lohañ Brok, nup de B. in com̃ præd̃ yeom̃, quoniã manuceperunt &c. ¶ De Iohanne N. pro ſe & pleg. ſuis, quia non eſt proſecutus breue ſuum verſus N. H. de K. in com̃ p̃d' huſbandman in placito debiti &c. A

¶ De Stephano White pro falſo clam̃ ſuo verſus D. de &c. in placito detentionis &c.

¶ Et iſſint leſtreate reherſe le cãe, pur que il ſerr̃ amercy &c. Car les Juſtic̃ ne aſſeſſe alc̃ ſum̃ pur aſcun amerciam̃t ſur nul perſon, mes facent lour entre *vt ſupra*, & donque lez Cozoñs aſſeſſe le ſumme ſur les teſtes de cheſcun, come ſur alc̃ iiij. ou vi. s. ſicome a eux il ſemble bon per lour diſcreẽ s. ſeueralm̃t ſur cheſcun de eux.

¶ Et per leſtaũ de Magna charta ca. 14 nul eſpiritual perſon ſerra am̃cy ſolonꝛ ſon eſpiritual dñice, mes ſolonꝛ ſ̄ lay fee, & ſolonꝛ le quantity del tñs: et ſil ſoit aukment am̃cy, il añ briefe ſur ceo ſtatute vers le dit̃ ou ceſty que luy am̃cy en tiel maũ &c. ¶ Et le briefe ſerra tiel. B

¶ Rex vic' &c. Quum in Magñ charta de liberat̃ Angl'

continetur, Qd' nulla eccleſiaſtica ꝑſon' amerc' ſcd̄m quã. titatē benefic' ſui Eccleſiaſtici, ſed ſcd̄m laicũ feod' ſuũ: Ac iam ex querela S. ꝑſoñ &c. accepimus, qd' licet ipſe nullum laicũ feod' teneat, cum tum ipſũ S. in turno tuo in hũdredo tali ſuper aliquibus corã te in eodē turñ ꝓſentaꝝ, ipſo S. ſuꝑ hijs non ſummonito, nec legitimè conuicto, ꝑ volũtate tua grauitèr amerciaſti, et amerciamentum illud de bonis ſuis eccleſiaſticis leuaꝝ intendis minus iuſtè, in ipſius S. dampnum non modicum, et contra tenoꝝ chartę ꝓdict': Nos nolentes ipſũ S. in hac parte ꝓgrauari, Tibi ꝓcipimus, quod ſi ita eſt, tunc ipſum S. coram te talitèr amerciaꝝ, ſeu amerciamentꝫ aliqd̄ de bonis ſuis eccleſiaſticis leuari non fac' contr̄ tenorē cartæ ſuꝑdictꝫ, et diſtrictioñ ſi quam &c. Teſte &c.

C ¶ Et ſur ẽ il poit ſuer Alias & Plur̄ Attachment, ſil ne face accordant al briefe a luy mandꝫ.

D ¶ Et il ſēble q̄ le party poit ſuer vn briefe ſur leſtaꝝ ꝑ vn Pone &c. ſil voile dꝰs le dꝫ ou ceſtuy q̄ luy amerꝫ pur ceo q̄ leſtaꝝ eſt vn phibic̄ en luy m̄, e ne beſoign̄ ſuer tiel bꝛe auant &c. ¶ Et per leſtaꝝ de Magna Charta cheſc̄ amerciaūt fait en Court baron couient eſtr̄ affir̄ per deux dez ſꝛ de m̄ le Court per lour ſerement. Et ſi le ſeneſchal ou bail voile aſſeſſ aſcun amercement ſans afferement, donq̄ ceſty que eſt amercie auera tiel briefe.

¶ Rex Balliuis Epi W. de S. ſalutē, Quũ in Magna charta de libertatib⁹ Angl' contineatur, Quod nullus liber homo amercietur pro paruo delicto, niſi ſecũdum modum ipſius delicti, et pro magno delicto, ſcd̄m magnitudinem delicti, ſaluo contenemento ſuo, et Mercatori eodem modo ſalua merchandiſa ſua, et villanis alterius quã noſtri eodē modo amercieꝫ, ſaluo wainagio ſuo, ſi incideꝝ in manũ noſtram, & nulla mīarum ꝓd̄ ponaꝝ niſi per ſacramētũ ꝑborũ & legalium hominu de viſñ, prout in eadē carta plenius continetur: Ac iam ex quærela hominum et tenentium manij ꝓd̄ acceperimus, qd' vos ipſos homines et tenentes, cum in cur̄ eiuſdē manerij in mīam inciderint pro aliquo debit̄, ad magnas pecuniar̄ ſummas voluntariè aſſidetis, non permittentes qd' miſericordia illa ꝑ ſacrement' hominum et tenētium eiuſdē manij ponatur, in ipſorũ homiñ et tenentium dampnum non modicum, et contra tenorē chartæ ꝓd̄: Nos volentes chartã ill' in oībus & ſingulis ſuis articulis inuiolabilitèr obſeruari, Vobis ꝓcipimus, qd' ab hīndi ſummis ſuꝑ homines et tenentes ꝓdictos, quum in miſericordiã incide-

rint

rint voluntariè assidend̄ penitus desistentes, m̄iam hm̄di per sacramentū ꝓborū & legalium hoīum eiusdē cur̄ poni permittatis iuxta tenorem cartæ p̄dict, Teste &c.

¶ Et il poet suer Alias & Plur̄ sur ceo, vel causam nobis significes, & apres Attachment vers les baylies, ou cesty que issint asseile ceste amerciament.

40 ¶ Breue de Natiuo habendo.

BReue de Natiuo habendo gist pur le sr̄ que claim̄ enheritance en alcun villein, quaunt son villein est sue de luy, et est demurrant en alcun lieu hors del man̄, a que il est regardant, ou q̄n̄t il depart de son sr̄ enconter le volunt le Sr̄. Et le b̄re serra direct al Vicont, et si le vic̄ ne voyle seruer le briefe, il auera Alias et Plur̄, & Attachm̄t vers le Vicont, si mestier soit.

¶ Mez si home ad estate en vn villein a terme de vie, ou des ans, il sēble que il naūa ceste b̄r̄ de Natiuo habendo, pur ē que ceste b̄re est en sa nature vn b̄re de Droit de recou ceste inheritaunce de villein, et ceo appt b̄n̄ per le count en ceste b̄re, Tamen quære. ¶ Et le vic̄ poit seiser le villein et deins luy a son sr̄, si l' villein cōfesse al vic̄ que il est villein. Mes si le villein alledge al vic̄ que il est frāk, dōq̄ sēble que l' vic̄ ne doyt luy seiser: si come il est en Repl', si le pty claim̄ property, le vic̄ ne doit faire Repl', mes le pty coūēt suer b̄r̄ de Proprietate probāda. Et issīt si le villein dit que il est frāk home &c. dōq̄ le vic̄ ne doit luy seiser, mez dōq̄ le sr̄ couient suer vn briefe de Pone a remoū le plee deuāt Justices en banke, ou deuāt Just. in eire. Mes si le villein purchase briefe de Libertate ꝓbāda, auant que l'sr̄ ad sue ceste Pone a remoū le plee deuant Just. donq̄ ceste briefe de Libertate ꝓbāda est vn Supsedeas al sr̄, que il ne ꝓced̄ sur ē briefe de Natiuo habendo tāq̄ en eire des Just. ou tanq̄ al iour que le plee est adiorn̄ deuāt l's Just. ne que le sr̄ ne deuer' seisier le villein en le mean temps. Mes ore a ceste iour ceste briefe de Libertate ꝓbāda est de nul value ne effect, p̄ ē que p statū Ed. le 3. anñ 25. cap. 18. est ordeine, que le sr̄ poyt seisier son villein, et auxy alleag̃ villenage en luy en action vers ūs luy p le villein, coīnt que le villein ad vn briefe de Libertate ꝓbanda pendant, que est adiorne deuant l's Justices de bank, ou deuant les Justices in eire.

¶ Et si le sr̄ sue Natiuo habendo, et le villein ꝓchase ceste briefe de Libertate probanda, ore per ceo le vicont ne ꝓce-

proceð plus anãt en le briefe de Natiuo habendo, mes tout le pleé ſerra adiorñ deuant les Juſtiẽ en eire, & donqs deuant les Juſtices en eire le briefe & le record del Natiuo habendo ſerra maund, & le ſñr countera ſur ceo, & le villein ſerra ſon defence, et pled a cel, & le villein ne declareẽ ſur ſon briefe de Libertate ꝓbanda, ne riens ſerra fait ſur ceſt briefe de Libertate ꝓbanda: car ceſt briefe eſt forſqs vn Superſed' de ſurceſſer p̄ le temps, & de adiorner le record & le briefe de Natiuo habendo deuãt les Juſtices en eire, & ceo appiert p̄ les formes des briefes de Natiuo habendo, & del briefe de Libertate ꝓbanda, les q̃ux ſont tiels. Et primes le forme del briefe de Natiuo habendo eſt tiel.

G ¶ Rex vic' ſalutem, Precipiñ tibi, qđ iuſte & ſine dilatione fac' habeꝛ A. de C. B. natiuũ & fugitiuũ ſuũ cũ oĩbus catallis ſuis, & tota ſequela ſua, vbicunque inuentus fuerit in balliua tua, niſi ſit in dñico nr̄o, qui fugit de terra ſua poſt coronationẽ dñi H. Reg. filij Regis Iohĩs: & ꝓhibemus ſup forisfactur̄ nr̄a ne quis eum iniuſte detineat, T. &c.

¶ Et le forme de Libertate ꝓbanda eſt tiel.

41 ¶ Libertate ꝓbanda.

F REx vic' &c. Monſtrauerunt nobis A. & B. ſoror eius, quod cum ipſe libere homines ſint, & parat̃ libertatẽ ſuam probare, F. clamãs eas natiuas ſuas, vexat eas iniuſte: Et ideo tibi p̄cipimus, qđ ſi p̄đ A. & B. fecerint te ſecur̄ de libertate ſua ꝓbanda, tunc ponas loquelam illam coram Iuſtic' nr̄is ad primas aſſiſas, cum in partes illas venerint, quia hm̃di ꝓbatio non p̄tinet ad te capiend̄, & interim eiſdẽ A. & B. pacem inde habere fac', & dic' p̄fat̃ F. qđ tunc ſit ibi loquelam ſuam verſus præfat̃ A. & B. inde proſecutur̄, ſi voluerit, & habeas ibi hoc breue, Teſte &c.

G ¶ Et ore p̄ ceux deux briefs il appiert, q̃ le ſñr q̃ ſue le bꝛ de Natiuo habendo p̄ſuer̄ ſon plaint ſur ſon briefe de Natiuo habendo, & countera ſur cel &c. & que le villein def. &c. & ſur r̄ briefe de Natiuo habendo le libertie ſerra trie. Et auxy il ſẽble p̄ ceux briefes, q̃ briefe de Libertate ꝓbãda ne giſt, ſinon ſur briefe de Natiuo habendo ſue auãt p̄ le ſñr.

H ¶ Mes il appt añ 12. H. 3. Itiñ North. Que le villein ſuet Libertate ꝓbanda, & obtulit ſe al quart iour deins le ſñr, & il ne appiert, mes fait default, p̄ q̃ ſur le default le ſñr, le villein fuit enfrãchiſe, & il aũa briefe al vic̃, que le vic̃ ne punit le ſñr de luy vexer aps, Qđ vide en le title de Villenage en les grand Abridge. Et vide li 47. H. 3. de r̄ matt̃ bone caſe.

¶ Et

¶ Et quant il ſaiſt le Natiuo habendo, il ferra vn pleint A
deuant le Viſ̄ en le Countie, come il ferra ſil ſue Repl' per
briefe al Viſ̄, il doit enter ſon pleint deuant le Viſ̄, & iſſint
il fra ſur le Natiuo habenda, & le pl' rehearſ. com̄ il eſt ſon
villeine, & com̄ il ſue de luy &c. & p le briefe de Libertate ꝓ-
banda ceſt pleint ſerra remoue deuant les Juſtices ē eire,
ou deuant les Juſtiſ̄ de banke, & donqz deuant eux le mat'
ſerra trie &c. ou le ſ̄r poit remoū le plaint per Pone deuāt
les Juſtiſ̄ del common bank, & ſur ceo il auera proces vers
le villeine &c. car le Viſ̄ ne poit determiſ̄ cē title de Ville-
nage en le com̄, & ceo eſt preue per ceux parolx de briefe de
Libertate probanda, S. Quia hm̄odi ꝓbatio non pertinet ad
te capiend' &c.

¶ Et eſt bon p̄ le ſ̄r quant il ſue l' Natiuo hēndo al Viſ̄, B
q̄ il maintenant ſue ſon Pone al Viſ̄ a remouer l' plaint de-
uant les Juſtices de bank, car ſi apres le Natiuo habendo
ſue, le ſ̄r ſue vn Pone a remoū le plaint deuant Juſtiſ̄ de
bank, & deuant q̄ il deliū ē Pone al Viſ̄, le villeine ſue l' Li-
bertate ꝓbanda, & deliuer ceo al Viſ̄, p q̄ le Viſ̄ adiorne le
plaint deuant Juſt. en eire, & retorn̄ ceſt mat' ſur le Pone
deuant les Juſt. de banke: ore les Juſt. de bank ne deuē
pced̄ ſur ē Pone vers le villein, pur ē q̄ le Viſ̄ ad retorn̄ q̄
il ad adiorne ceſt mat' deuant Juſtices en eire, p le briefe
de Libertate ꝓbanda: Qd̄ vide H. 26. Ed. 3. Et vn̄ le Pone
fuit de eigner date q̄ le briefe de Libertate ꝓbanda, mes ne
fuit deliū al Viſ̄ deuant le briefe de Libertate ꝓbanda.

¶ Et ſi home ſue ſeueral briefs de Natiuo habendo vers C
vn. les vn. poyent ioinder en briefe de Libertate ꝓbanda, nient
obſtant ceux ſeueral briefes.

¶ Et home ne ioind̄ en vn briefe de Natiuo habendo forſqz D
vn. villeins, mes pluſorz poient ioind̄ en Libertate ꝓbanda,
& ceo eſt in fauorem libertatis.

¶ Et il ſēble q̄ le villein poit ſuer Libertate ꝓbanda re- E
torn̄able deuant les Juſtiſ̄ de banke, cybn̄ come deuant les
Juſtiſ̄ en eire, com̄ q̄ tiel briefe ne ſoit ē le Regiſter. Mes ſi
tiel br̄ ſoit fait retorn̄ deuāt Juſt. de bāk, il ſēble q̄ il eſt bō,
& q̄ ils pced̄ ē l' mat', ſicōe il fuit deuāt les Juſt. ē eire &c.

¶ En briefe de Niefe, ſi le pl' ſoit nonſue aps appar̄, le def. F.
ſerra enfranchiſe a touts iours. Quod vide M. 12. E. 2. Et
ſur departure en deſpite de Court, ou il appere, et dit que
il voile querer ſon counſell, et puis eſt demaunde et fait de-
fault, la le villeine ſerra enfranchiſe a touts iours. Et iſſint

ſur

sur retract, si le pl̃ dit q̃ il ne voille pursuer pluis son bꝛ̃e de Niefe, le def. serra enfranchise a touts iours.

G ¶ Et si frankhome espouse vn feme q̃ est niefe a vn aut, el serra frank a touts iours, com̃t q̃ le baron deuie, & el survive, & ceo per Mast. Britton en son Lieur, in fauorem libertatis, & il ꝛ̃ble reason q̃ le ley serra tiel, pur ceo q̃ el & la baron sont forsq̃ vn plon en ley, & el couiẽt estre de m̃ le nature & condiẽ en ley a toutz intents, cõe le baron est. Mes le baron est frank a touts entents sans ascun condiẽ en ley, ou autrem̃t: Et per consequens le feme couiẽt estre de mesm̃ la condiẽ & nature cõe sa baron est, et donq̃z si el soyt vn foits clerem̃t disch. de villenage a touts entents, el ne poet estre niefe apꝛs sans especial act fait p̃ la feme, cõe de nouel, ou conust. en court de record, & ꝛ̃ est en fauoꝛ de liberty, car frank fẽe ne serra villʳ p̃ pꝛisel del villein al baron.

H ¶ En bꝛ̃e de Niefe, il couiẽt q̃ le sr̃ q̃ sue le bꝛ̃e amesn̄er pꝛoofe oue luy, s. 2. persons al meines q̃ sont de sank del villein, q̃ voille conseller eux destre villeines, autrem̃t l'bꝛ̃ abateꝛ̃. Et q̃l p̃ue serra fuffiẽ, & q̃l non. Vide en le title de Villenage en les Abridgements. Mes en Natiuo habendo apꝛs le parol remoue p̃ Pone, si le def. voile cõfess. luy destre villein, donq̃z il ne beloigne al pl̃ de amesn̄ pꝛoue &c.

I ¶ Et si 2. pozteꝛ̃ Natiuo habẽdo, le nonsuit lũ est le nonsuit dambiꝺ, car Sum̃ & sc̃uance ne gist en ceo bꝛ̃e. Mez en Liberꝛ̃ pbãꝺ il est aut̃, car la le nonsuit lũ ne p̃iudiꝛ̃ iaut̃.

K ¶ Et appiert p̃ le Regist̃, q̃ le vicõt ne poet seisier le villein p̃ foꝛce de ꝛ̃ bꝛiefe de Natiuo hẽdo, com̃t q̃ les poꝛ del bꝛ̃e sont, Habeꝛ̃ fac' A. natiuu et fugitiu suum, car ceux poꝛ donẽt luy poẅ̃ a tener plee, et nemy aut̃m̃t, vt patet ann̄ 2. H. 4. en Faux imprisonm̃ẽt. Mes si le villein confesse al vicont q̃ il est villein, donq̃z semble reason q̃ le viꝛ̃ doit luy seisier, sauant lopinion de ceo Lieur Mes oꝛe l'estatute fait le matꝛ̃ clere, q̃ le sr̃ poit seisier, & le viꝛ̃ p̃ son req̃st.

L ¶ Et le pces en Natiuo hẽdo est Sum̃, Attach. & Distr̃.

M ¶ En Natiuo habendo le plee fuit remoue p̃ Pone, & l'viꝛ̃ retoꝛne sur ceo Non est inuentus per q̃ Caꝑ fuit agard, et apꝛs sur retoꝛn̄ de ceo Non est inuentus, vn Latitat fuit agʃ sur mise fait, & ꝛ̃ en foꝛein countie, H. 7. H. 6.

N ¶ En le Libertate probanda le pꝛoces est come sur le Pone sue a remouer plaint en le Countie sue per bꝛiefe de Replʳ, cesta sc. Sum̃, Attachm̃t, & Distr̃, & le foꝛme del Pone sur Natiuo habendo est tiel.

¶ Rex

¶Rex Vic' &c. Pone ad petitionē petentis loquel' quæ eſt in Com̃ tuo p brē nr̃um int̃ A. & B. quē id' A. claim̃ natiuum & fugitiuum ſuum, & ſum̃ &c. p̃d̃ B. q̃d̃ tunc ſit ibi p̃f. A. inde reſponſ. & habeas ibi ſum̃ & hoc breue, & aliud breue.

¶Et ſi le villeine demurr̃ en ancient demeſn̄ le Roy, q̃ eſt en mains le Roy, & ad demurr̃ la p vn an & vn iour, donqz le ſñr ne poit aū ne mainten̄ ceſt briefe de Natiuo habendo, cy longem̃t come il demurr̃ la, mes ſil nad demurr̃ en aunc̃ demeſn̄ le Roy p vn an & iour, mes p demy an, ou aunc̃ tēps, q̃ ne face ian & iour, donqz le ſñr aūa tiel briefe al Vic̃. ¶Rex Vic' &c. Præciſ tibi, q̃d̃ niſi A. quē B. clamat natiuū & fugitiuum ſuum in Com̃ tuo p brē nr̃um manſerit in dn̄ico nr̃o de S. p vnum annum & vnum diem ſine calumpnia, non remaneat loquela p̃d̃ in Com̃ p̃d̃, eo q̃d̃ manſerit in dn̄ico noſtro per minus temporis, Teſte &c. A

¶Mes appiert p le briefe, q̃ ſi le ſñr luy claim̃ deins ian & iour q̃ il aueign̄ al aunc̃ demeſn̄, q̃ donqz le villeine naūa aduantage de ſon demurr̃ la. Mes il ſembl' q̃ le ſñr conient claim̃ le villein deins chelr̃ an & iour q̃ le vill' demurr̃ deins aunc̃ demeſn̄, cō̃e il ſerra en continual claim̃ de ſaū ſon enc̃ en alr̃ terre. Mes ſi le villein demurr̃ en auter manoz q̃ en aunc̃ demeſn̄, q̃ eſt en poſſeſſ. daunc̃ ſñr q̃ de Roy, & la continue p vn an & iour ou pluſoz ans, ſans alr̃ claim̃ p ſ̄ ſñr, q̃ ceo nient obſtant le ſñr luy poit p̄nd̄ ou ſeiſer, ou aū cē̃ briefe de Natiuo habendo vers le villeine, direct al Vic̃ vt ſup̄.

¶Et ſi home purchaſe vn villeine dun aunc̃ a luy & a ſes heires, & le villeine fuc de luy, il nauera cē̃ briefe de Natiuo habendo, pur ceo q̃ il nad pue de ſon ſank q̃ voill' confeſſer eux eſtre villeins al pl', & ſil poꝛt homes de ſank le villein, q̃ confeſſe eux eſtre villeins al eſtrange, & nemy al pl', il ſembl' q̃ ceo neſt ſufficient, Tamen quære. B

¶Et le ſeignioꝛ poit auer briefe al Vicont de luy ayder a diſtr̃ ſes villeins, & le briefe eſt tiel.

¶Rex Vic' &c. Præcipimus tibi, quod ſis in auxilium A. de F. vbi ipſe non ſufficit ad diſtringend' villanos ſuos de N. ad faciend' ei conſ. et ſeruitia debita et conſueta, Teſte &c. Vide Stat̃ inde Añ 1. R. 2. cap. 6. C

¶Et quant le Roy fait tallage de ſes auncient demeſne ẽres en ſa main eſteants p tout le Realme, donqz les aunc̃s ſeignioꝛs q̃ ont aunc̃ demeſn̄ ẽres de Roy a fē̃ ferme, auer̃ tiel briefe a faire tallage de eux, & le briefe ſerra tiel. D

¶Rex Vic' &c. Quia dn̄ica nr̃a per Ang. talliari fecimus,

Tibi

Tibi præcipimus, quod ſi manerium de C. aliquando fuerat dominicum noſtr̃, vel ꝓgenitor̃ nr̃orum quondã Reg. Angl. & hucuſq; conſueuerat talliari, tunc A. rationabile tallagium habere fac' de liber̃ tenentibus ſuis in mañio p̃d̃, ſicut prius fieri conſueuit, Teſte &c.

E ¶ Et ſi les villeins le Roy eux eſloigñ del mañ, donq; eſpecial bꝛe ſerra direct al Viꝭ, q̃ il enquer̃ p ſerem̃t de ꝓbes & loials homes des noſmes de eux, & lou ils demur̃, & q̃ ils les face de rer̃ & a demur̃ a les manoꝛs come auant &c.

F ¶ Si feme ſue Libertate ꝓbanda, le foꝛme del bꝛiefe eſt tiel, Monſtrauit nob. Alicia, qd̃ cum ipſa liber̃ femina ſit &c. & parata libertatem ſuam &c. *vt ſupra.*

42 ¶Breue de Securitate pacis.

G ¶Eſt bꝛief giſt lon home eſt en pauoꝛ ou doubt, q̃ aut̃ voit luy bat̃ ou aſſault̃, & giſt ꝓperm̃t lou home menace aut̃ ỏ luy occiſ. bat̃ ou aſſault̃, donq; poit il ven̄ en Chanc̃, & p̃ de auer tiel bꝛiefe al Viꝭ. le foꝛme del bꝛiefe eſt tiel.

¶Rex Vic' Linc' ſalut̃, Quia A. de B. nobis grauit̃ conqueſt' eſt, qd̃ C. ei de corpore ſuo manifeſte minat̃, Tibi p̃cipimus, qd̃ eidē A. de p̃fat̃ C. firmã pacem noſtr̃ ſcd̃m conſuet̃ Angl' habere fac', ita qd̃ ſecur̃ ſis, qd̃ eidem A. de corpore ſuo per p̃fat̃ C. vel ꝑ ꝓcurationem ſuam dampn̄ vel ꝑiculũ non eueniat, Teſte &c. *vel ſic:* de incendio domorum ſuarum manifeſte minat̃, Tibi p̃cipimus &c. ita qd̃ &c. eidē A. de domibus ſuis p̃d̃ ꝑ hm̃odi incendium dampn̄ &c. Et poit aũ le bꝛiefe pur ſuretie de ſon coꝛps, et pur le combuſt̃ de ſes meaſons tout en vn bꝛiefe &c. Et poit aũ Alias & Pluꝭ & Attach. vers le Viꝭ ſil ne fait ſon office &c.

H ¶Mes plancient courſe de ley il conuiẽt faire vn ſerem̃t ſur liuer, auãt q̃ il deuoit aũ ceſt bꝛief, & ẽ en Chanc̃ deuãt aſcun Maiſt̃ del Chanc̃. Mes oꝛe ils vſe de purſuer tiels bꝛiefes p lour amies, q̃ voilt̃ ſuer pur eux ſans faire aſcun ſerem̃t, & t̃ ẽ maleim̃t fait, pur t̃ q̃ tis ſont plusoꝛs foits ſues p̃ veraꝭ pluis q̃ pur aſt̃ bon cauſe. Et les Juſtic̃ de banke le Roy, ne voilt̃ graunt aſt̃ bꝛief p̃ ſurety de peace aũ, ſans faire ſerem̃t, q̃ il eſt ẽ pauoꝛ de coꝛpoꝛ̃ dam̃. Ne les Juſt. de peace ne deuer̃ grant aſt̃ garrant pur cauſ. home ỏ troñ ſuertie pur le peace al requeſt daſt̃ perſon, ſinon q̃ le party q̃ ceo requit̃, voilt̃ faire ſerem̃t q̃ il requit̃ t̃ pur ſafegard̃ de ſon coꝛps, & neiny pur malice &c.

¶ Et

¶ Et ſi home ad tiel bꝛieſe direct al biꝛ ꝑs vn, & le biꝛ A
pꝛiſt ſuertie de luy que il gard̄ le peace, & puis il enfreint le peace ſur cēy q̄ ē dō, oꝛe ceſty que demand̄ ceſt ſuerty aū a Attach. vers luy, que troūa ceſt ſuertie, & le biꝛ ſerra tiel.

Rex vic' &c. Si A. fecerit &c. pone &c. B. quod ſit coram Iuſtic' &c. oſtenſ. quare cum præf. B. p̄dict' A. de corpore ſuo minaret, p̄fat' A. ea occaſion̄ biꝛe noſtꝛ̄ de pace ind' habend' tibi detuliſſet, idem B. licet ſecuritat' tibi preſtiterit, quod p ipſum vel ꝓcurat' ſuum præf. A. de corpore ſuo damnum vel ꝑiculum non euenir̄, idem B. nihilominus in p̄fat' A. apd' W. vi & at' inſult' fecit, & ip̄m &c. in nr̄i contempt' manifeſte, & ipſius A graue damnū, & contr̄ pac' nr̄a, & habeas ibi pleg. & hoc biꝛe, Teſte &c. Et ſur cē bꝛief le pl' recouer̄ ſes damꝛs, & le def. ſerra fine pur le contempt ſil ſoit trouc culpable.

¶ Et ſi home voile auer bꝛieſe pur ſuretie de peace vers B
al' q̄ demurre en les Cinq Portes, donq il auera bꝛieſe hoꝛs del Chanc̄ direct al Conſtable de Douer, & al Gardein de Cinq Ports, & le bꝛieſe eſt tiel.

¶ Rex dilecto & fideli ſuo N. Conſtabulario caſtri ſui Douer̄, & cuſtod' quinque Portuū ſuoꝝ ſalutem. Mandamus vobis, quod Audita q̄rela A. de eo quod B. eſt de libertate quinque portuum &c. minat', vocatiſq; coram vobis partibus præd', auditiſque hinc inde eorū rationibus, eidem A. ſuper hoc debitum & feſtinum iuſtitiæ complementū fieri faciatis, ꝓut de iure & ſcd̄m legem & conſuet' portuū p̄dictorū fuer̄ faciend', & alias in caſu cōſimili fieri conſueuit, Teſte &c.

¶ Mes eſt common opinion, q̄ le ſuertie que le biꝛ doit C
pꝛendꝛ del partie, q̄ doit trouer ſuerty pur le peace, couient eſtre pꝛiſe per obl', ceſtaſc. de obliger le ptie & ſes ſuerties p obligar̄, q̄ il gardera le peace, ne que il cōburera ſes meaſons &c. Mes oꝛe puis leſtatute fait aſſi 1. E. 3. cap. 16. que doit. qne certaine pſons ſerra aſſigne en le Chancery come pur garder le peace, Sont auters foꝛmes de bꝛieſes faits pur caſe de people q̄ voil' aū ſuertie de peace de al' pſons, q̄ux bꝛiefs iller̄ hoꝛs del Chanc̄, & aſcūs ſōt direct as Iuſtic̄ de peace, & al vicont, & aſcūs ſont direct al biꝛ ſolemt, & ceux bꝛieſes ſont de auꝛs foꝛmes que eſt tiel.

¶ Rex dilectis & fidelib⁹ ſuis I. &c. & ſocijs ſuis Iuſticiarijs D
nr̄is ad pacem nr̄am in com̄ S. conſueruand' aſſign̄ ſalutem, *vel ſic:* Cuſtod' pacis nr̄æ in com̄ S. &c. & vic' eiuſd' com̄ & eorum cuilibet ſalutem, *vel ſic:* Vic' S. ſalutem. Supplicauit, nobis A. q̄d' cum ipſe de vita & mutilac' membroꝝ ſuoꝝ, nec-

non

non de incendio domorum ſuarū ꝑ E. grauiter & manifeſte cōminatus exiſtat, velimus ꝓ ſecuritat̄ ipſius A. in hac parte ꝓuider̄: Nos ſupplicatiō p̄d̄ annuentes, vobis vel tibi præcipimus firmiter iniungentes, qd̄ p̄d̄ E. corā vobis, vel te corporaliter venire faciatis, & ip̄m ad ſufficientes manucapt̄ inueniend', qui eum manucapere voluerint ſub certa pœna, ſibi ꝑ te vel vos rationabiliter impōnēd', ꝓ quo nobis rn̄dere voluerint, vel volueris, *Vel ſic*, & ipſum E. ad ſufficient̄ ſecuritat̄ inueniend' ſub pœna centum lib̄ ad opus nr̄m ſoluend', vel quilibet eorum ſub pœna &c. qd̄ ipſe dampn̄ vel malum aliqd̄ eidem A. de corpore ſuo, vel de domibus ſuis ꝑ hm̄odi incendium non fac', nec fieri ꝓcurabit quouiſmodo, compellatis vel compellas. Et ſi hoc coram vobis vel te facere recuſauerit, tunc ipſum E. ꝓxim̄ gaol' nr̄æ committatis vel committas, in eadem ſaluo cuſtod' quouſq; hoc gratis facere voluerit. Et cum ſecuritat̄ illam ſic ceperitis vel ceperis, nos inde in Cancellaria noſtra ſub ſigillis veſtris vel alicuius veſtrū, vel ſub ſigillo tuo diſtincte et aperte ſine dilatione reddas certiores, certificetis vel certifices indilate, hoc b̄re nobis remittentes vel remittens.

E ¶ Et ꝑ ceſt forme de brieſe quant le brieſe eſt en le plural nūber, le brieſe eſt direct as Juſtices de peace, ou al Juſtic̄ & al Mir̄. Et quant il eſt en le ſinguler number, le brieſe eſt direct al Mir̄ ſole, ou al vn Juſtice ſole.

F ¶ Et ſi feme ſoit menace ꝑ ſa baron de luy bater, ou occiſ. el auera tiel brieſe. ¶ Supplicauit nobis A. vxor B. qd̄ ipſa de vita ſua & mutilatione membrorum ſuorum per p̄dict̄ B. &c. *vt ſupra, vſq; ibi*, rn̄d' volueris, qd̄ ipſe p̄f. A. bene et honeſte tractabit et gubernabit, ac dampn̄ et malum aliqd̄ eidem A. de corpore ſuo, aliter quam ad virum ſuū ex cauſa regiminis & caſtigationis vx. ſuæ licite & rationab. pertiñ non fac' nec fieri ꝓcurabit, quouiſmod' compellatis &c.

G ¶ Et ſi home ſoit en variance oue auters homes, & il eſt en doubt, q̄ dam̄ ou male poit eſt a luy, ou a ſes ſeruants ou chattels, ꝑ reaſon de ceſt variance, donq; il aūa eſpecial brieſe vers eux direct al Mir̄, q̄ il face ceux perſons de troū ſuretie, q̄ ils ne ferra male ou dam̄ a laut̄ home de ſ̄ corps, ou de ſes ſeruants, ou auters ſez biēz, & t̄ en cert̄ ſumme &c. & ſils ne voile trouer ſuretie, q̄ adonq̄s il eux arreſter & deteign̄ en pꝛiſon tanq; ils voit̄ ceo ſuretie trouer, & q̄ le Mir̄ certif. tout ceo q̄ il ad ſur ceo fait en Chaunc̄, & ceo ſur cert̄ pain &c. come appiert ꝑ le Regiſter, & ceo ſurety coueīt eſtre

pꝛiſe

pzise per recognisance come semble, tñ cſre. ¶ Et quãt hõe ad purchase tiel bzieſe de Supplicauit direct as Justiẽ de peace, ou al biẽ, ou as ambideux, ðs aſcun home, donques ceſty ðz q̃ ceſt bzieſe eſt sue poet bener en chaunc̃ & trouer suertie en la chanc̃, q̃ il ne fac̃ damage ou mal' a ceſtuy q̃ ad sue l' bzieſe, & donqz sur c̃ il auera bzieſe de Superſ. hozs del chaunc̃ direct as Just. de peace & al biẽ ou as ðn de eux, reherſ. coñt il ad troue suertie en chanc̃ accozdant al bzieſe de Suppl' & reherſ. le bzieſe ð Suppl' & le mañ del suertie que il ad troue, & le summe en quel ils sont obliges, commandõt les Justices & biẽ que ils surceſſe de luy arreſter &c. ou de luy compeller de trouer suertie &c. & sils ont luy arreſt &c. pur ceo cauſe, & nul auter, que adonques ils luy deliuer̃ &c. vide le fozme del bzieſe en Regiſter ¶ Et si le partie que doit trouer suertie, ne puit bener en chancerie a trouer tiel suertie: donq̃s son amy poet purchas Superſ. en chancerie pur luy, reherſ. le bzieſe de Suppl' &c. & que ðn tiel, & ðn tiel sount obliges pur luy en le chancerie en tiel sũme q̃ il ad garð le peace accozdant al bzieſe de Suppl', & le bzieſ ſerra direct as Justices de peace & vicont, que ils ou aſcun ð eux pñdr̃ suertie del ptie m̃ accozdant al bzieſe de Suppl' que il gardeẽ le peace &c. & q̃ adonqz ils surceſſ. de luy pñdr̃, & sils ont luy pzise &c. pur ceſt cauſe &c. que donque ils luy deliuer̃.

¶ Et aſc̃ foits le bzieſe de Suppl' eſt fait retozнable en chauncerie a certein iour, & sil soit fait illint, donque si les Just. ne certifier̃ le bzieſe ne le reconuſance, & le suertie que eſt pzise, le partie que sue le bzieſe de Suppl' auera bzieſ de Certiorar̃ direct as Justices de peace de certifier ceſt bzieſe de Suppl' & ceo que ils ount fait sur ceo, & le suertie q̃ eſt troue &c. Et illint le partie auera tiel Certiorari as Justices de peace de certifier le suertie pzise sur Supplicauit, coñt que le bzieſe de Suppl' ne fuit fait retozнable en le chauncerie.

¶ Et illint si home demaunð suertie de peace en le coñ de aſc̃ home, il troueẽ a luy suertie en le countie deuant les Just. de peace &c. cẽy que demanð cẽ suertie poet suer bzieſ de Certiorare direct as Just. de peace, a remouer ceſt suertie de peace, & le reconuſance pzis sur cel, & ceo south les seales des Just. ou de ðn de eux a certifier cel reconuſance & suertie pzis. Et si le Certiorar̃ soit sue sur bzieſe de Suppl' donque le Certiorar̃ reherſ. ceſt bzieſe de Supplica-

uit. Et sil soit sue sur suretie demaund en le com̃ latius Suppl' sue, donqꝫ le fozme del bzieue de Certiorꝫ est tiel.

¶ Rex custodibus pacis sue in com̃ L. & eorum cuilibet sal', Volentes certis de causis certiorari super tenorem cuiusd' securitatis pacis nuper coram R.B. & socijs suis custodibus pacis nostræ & Iust. nostris ad diuersas felon̄ transgr̄ & malefacta in com̃ L. audiend' & t̄minand' assign̄, de R. de W. de eo qd' ipse damn̄ vel malum aliquod B. de F. aut alicui populo nr̄o fac', nec fieri ꝓcurabit ex officio vr̄o capta, q̄ quid' securitas penes vos residet vt dicit̄, vobis mandamus, qd' nos inde in canceli' nr̄a sub sigillis vestris vel vnius vestr̄ distinct̄ & aperт̄ sine dilatione reddatis certiores, hoc br̄e nobis remittentes, Teste &c.

D ¶ Et quant le bzieue de Suppl' est direct solem̃t vr̄, dom̃ques le certiorari serra direct al vic̄ solem̃t, de faire retozn̄ de ceo suertie troue, sil ad ast̄ suertie ꝓz̄s &c.

¶ Et si home troue suertie de garð la peace deuãt le vic̄ dos certein ꝓsons &c. sans ast̄ bzieue de Suppl' sue ꝑ cẽy q̄ dð tiel suertie, & sans le bzieue dauncient fozm̃ vse, donqꝫ le ꝑtie q̄ dð cest suertie poet aũ certiorar̄ al vic̄ de certifier cẽ suertie ꝓz̄se ꝑ luy en le chanc̄ &c. sans faire mention en le certiorari dast̄ bzieue sue pur faire le vic̄ de p̄nð tiel suerty, & p cest certiorar̄ il semble q̄ le vic̄ de son office poet causer le ꝑtie ð troue suertie a garð le peace, si ast̄ ceo ꝓz̄e del vic̄ daũ tiel suertie, & q̄ le vicont eux oblig. ꝑ reconuisance, & q̄ il certifier̄ t̄ en chanc̄ ꝑ le certiorar̄: car sil certifier̄ vn oblig. t̄ ps pur suertie, cest certif. ne poit faire obligar̄ dest̄ chose de record, & le ꝑtie ne poet est̄ oblig. al roy, sinon per matt̄ de record ou q̄ il voet ven̄ en court, & confess ceo dest̄ son fait, & ꝓz̄e daũ t̄ enrol. Et il semble en reason q̄ la ley est issint pur t̄ q̄ ꝑ le comen ley le vic̄ est cõseruat̄ ð peace & ad le garde & le custody del com̃ pur le temps q̄ il est vic̄, & ceo appiert ꝑ son commission & patēt q̄ a luy est fait, les parolx de quel patent sont tiels.

¶ Rex &c. Cõmissimus vobis custod' &c. Et ꝑ t̄ il ꝓzist̄ s̄ authozitie, le quel est matt̄ de record, come le commission q̄ est fait a eux, q̄ serra Justices de peace, le quel commission don̄ eux authozitie de oier & t̄min̄, & enquire de touts ceux choses faits encon̄t le peace. Et ꝑ reason de t̄ commission ils ont power de lier homes per reconuisance a garder le peace sur complaint a eux fait per ascun person: & vncoze de ꝓzend̄ cest reconuisance nest expzesse authozitie don a

eux

eux p le commission, mes de vn congruence, pur ceo que ils ont authoritie de cauler homes de garð le peace, & de oyer & termiñ offences faits enconr̄ l' peace, ils ont power de lier homes p reconuſ. de faire ceo, car chescun act q̄ ils ont fait per vertue de lour commiſſ. couient estr̄ pris come matr̄ de recozd. Et m̄ le reason de Mir̄, pur ceo q̄ son patent est de recozd, & est conseruatoz de peace en chescun lieu, & obr̄ q̄ il prist pur garð l' peace, serra pris vn reconuſ. en ley, & especialment quant il est certifie en le Chancerie p Certiorari. Mes vncoze touts les plees q̄ sont tenus deuant luy en le com̄ ne sont de recozd, ne plees tenus deuant luy en le com̄ p vztel de Iustic' ne sont pris come matr̄ de recozd, car ceux plees sont ten̄ deuant luy per reason dez Courts q̄ il ad per reason de son office come les Countie Courts & Hund̄ &c. mes les Leets & Turnes q̄ sont pur l publike weale, come pur conseruar̄ de peace, ceux sont Courts de recozd, et per consequens pur conseruar̄ de peace, le Mir̄ est iudge de recozd, & puit prend̄ reconuſ. pur garð le peace, & r̄ de son office: mes sil fist ceo & prist reconuſ. sur vztefe de Suppl', ou auter vztef direct a luy pur prend̄ suertie pur garð le peace, il semble pluis fozt, mes dones loy a le pluis meltoz reason. Ideo quære de ceo.

43 ¶ Breue de auxilio ad filium ſuum militem faciendum, vel ad filiam maritand̄.

LE fozme del vztefe est tiel. ¶ Rex Vic' &c. Præcipim⁹ tibi, quod iuste &c. fac' habere A. rationabile auxilium de militibus & liberis tenentibus suis in balliua tua, ad primogenit̄ fil' suū milit̄ faciend', vel ad primogenit̄ filiam suā maritand' iuxta formam statuti de communi consilio regni nostri Ang. inde ꝓuiſi, Teste &c.

¶ Et home naūa cest vztefe deuant q̄ son fits eit accompliſh lage de xv. ans, ne sa file marier auant q̄ el soit dage de vij. ans, & ceo voet lestat̄ de West. 1. cap. 35.

¶ Et cēy tenāt q̄ tient p vn fē de chiualry sa tre, paier̄ xx. s. al ſñr pur faire son fits chiualer, ou pur sa file marier & nient pluis.

¶ Et cēy tenāt q̄ ad terres al annuel val̄ de xx. l. teignant eux en locage, il paier̄ xx. s. al ſñr pur faire son fits chiual', ou pur marier sa file.

¶ Et illint cestuy q̄ tient per demy fē de chiualer, paiera

x.s.&c. & cēy q̄ tient ē ſocage t̄re al value de x.l.p an payera x.s. Et iſſint ſolonq̄ le rate del value del terre ē ſocag. & ſolonq̄ le quantitie del fœ de chiual', il payer̄ laid &c. & t̄ vott leſtat auantdit. Mes ceſt aid de faire fitz chl'r, ou file marier, ſuit p̄ le common ley pur le ſ̄nr dañ de ſes tenants, et
D leſtat ē mitt̄ ē certeine. Et le ſ̄nr poit diſtr̄ ſon ten̄t pur ceſt aid, & faire auow̄ pur cel, ſil voit: & ne beſoign de ſuer ceſt
E briefe ſil ne voil'. Et cē briefe eſt direct al Viſ̄, & poit añ Al' & Plur̄ & Attach. vers le Viſ̄ ſil ne voile aid̄ de ſ̄nr de faire diſtreiñ les ten̄ts pur ceſt aid.

F ¶ Et le t̄ le Roy payer̄ al Roy aid en ſemble mañ p̄ faire ſon eigñ fits chl'r, ou pur ſon eigñ file marier &c. s. cheſ̄ q̄ tient per vn fœ de chiualer xx.s. & cēy q̄ tient p̄ demy fœ de chl'r x.s. & iſſint ſolonq̄ le rate.

¶ Et en ſemble manner cheſcun tenant q̄ tient de Roy en ſocage xx. l. de terre, payer̄ xx. s. al Roy pur faire ſon eigñ fits chiualer, ou pur ſon eigñ file marier: et ceſtuy q̄ tient x. l. de terre en ſocage de Roy, payer̄ x.s. &c. et ceo voit leſtatute de proditionibus, anno 25.E.3.cap.10. & leſtatute mitt̄ laid en certeine, pur ceo que deuant le dit eſtatute, le Roy voil' diſtr̄ pur plus pur faire ſon fits chiualer, ou pur ſon file marier: Mes ore leſtatute voit que le Roy nauera plus.

G ¶ Et ſi leigñ fits deuie deuant q̄ il vi̇ēt al age de xv. ans, ou deuant q̄ le ſ̄nr leuy laid pur faire luy chl'r: donq̄ le ſ̄nr añ̄a aid pur le puiſñ fitz faire chiualer q̄nt il vi̇ēt a tiel age: & vncore il neſt primogenitus filius, cōe le briefe ſupp̄, mes il eſt le primogenitus q̄ eſt donq̄ en vie, & ceo ſuffiſt: car il couient eſtre heire apparant. Et iſſint eſt ſi le fil' deuy auant que le ſ̄nr leuy aid de ſez ten̄ts pur luy marier, donq̄ il poit leuie laid pur le plus eigñ file, que eſt donq̄s en vie apres que el ſoit dage de vij. ans.

H ¶ Et p̄ leſtat le briefe q̄ ſerra direct al Viſ̄ de leſ̄ tiel aid pur le ſ̄nr, ſerra mention q̄ le fits eſt dage de xv. ans, et ſil ſoit pur la file, donq̄ le brief ſerra mēcion q̄ el eſt dage d̄ vij. ans autrem̄t le briefe neſt bone. Mes ceſt fozme neſt en le Regiſter, car ſemble q̄ le Regiſter fuit fait auant leſtatute de Weſtm̄ 1. & pur ceo le fozme del briefe couient eſtre fait acozd̄, come leſtat ozdeigñ ceo.

I ¶ Et ſi le Seignioz leuie laid pur ſon fits faire chiualer ou pur ſa file marier, et deuie auant que il ad pay ceo a ſon fits ou a ſon file, pur que il fuit leuie, donques le fits

ou

ou file aũa action de Dette vers les execuťs l' pier, p̃ ẽ money, & si les executors nont riẽs &c. des bñs le sñr &c. donq̃z la file aũa acẽ de Dette vers iheire le pier pur tant del money q̃ el faut de ẽ q̃ son pier aũa leup pur laid pur marier sa file. Et ẽ voit le dit estatute de West. 1. c. 35. ¶ Et cestuy q̃ tient p graund̃ serieanty, ou petit serieanty, ne payra reasonable aid pur faire fits chiual', ou pur file marier &c. come appiert M. 11. H. 4. fol. 32.

¶ Et si le sñr leuie aid p̃ mariage de sa file, & puis luy maris, donq̃z la file naũa action de Dette vers les executors le pier p̃ cest money leup &c. mes si la file ne soit marie en l' vie le pier &c. p luy, donq̃z lacẽ gist. Et issint il semble' si le fits ne soit fait chiualer en la vie le pier, q̃ il aũa action vers les exeẽ le pier p̃ le money leuie de faire luy chiual.

44 ¶Breue de Scutagio habendo.

BRiefe pur aũ Escuage gist en cas ou home tient de Roy p seruice de chiual', a q̃ est homage, fealty, & escuage append̃ a cel, & cesty q̃ tient de asẽ sñr p tiel seruice, q̃ tient oustẽ de Roy p autiel seruices, qñt le Roy fait viage de guerẽ enũs les Escots, ou vers ceux de Gales en proper pson ou p son lieut', donq̃z cesty q̃ tient p seruiẽ de chiual' doit aler en son pper pson, ou trone home p̃ luy de aler en guerre oue l' Roy ou son deputy en cest guerẽ p quarante iourz a sez costages demesne. Et sil ne aler ne troue asẽ home de ceo faire p̃ luy, donq̃z il payeẽ pur cest default & non felans de ẽ seruiẽ tiel sum̃ dargent q̃ serra assesse p parliam̃t, s. pur vn fee de chiualer tant, & pur demy fee de chiualer tant, & issint solonq̃z le rate. Et donq̃z cesty q̃ tient per entire fee de chiualer payeẽ tant pur escuage q̃ le parliam̃t assess. q̃ entier fee de chiualer payeẽ, sil nad fait ses seruiẽ &c. Et cesty q̃ tient p demy fee payeẽ solonq̃z le rate &c. Mes ceux q̃ ont fait lour seruiẽ, & aleẽ en guerẽ, ne payera riens. Et cest summe dargent est appel escuage, s. Sertitium scuti. C

¶ Et si home tient de Roy p seruice de chiualer, & aleẽ oue luy en son guerre &c. donq̃z cesty sñr aũa escuage de ses tents q̃x teigñ de luy p tiel seruice, mes le summe q̃ il aũa & leueẽ couient estre assesse p parliam̃t (cõe auant est dit) deuant q̃ il: distrẽ pur cel. D

¶ Et si home tient de alcun seigñ a garder son castle en temps de guerre, ou de cozner alcun cozune en tiel temps E

de invasion de enemies, ceo est service de chivaler, mes il semble q̄ ceux tenūts ne payer̄ escuage, sils ne fesoyent lour services, mes le sr̄ dist̄ eux pur non fesans de lour services, a aūa amends pur ceo. Jsint q̄ nul pater̄ escuage, mes solem̄t ceux tenūts q̄ teign̄ p tiels servic̄ de al' in guer̄, ou de trou̅ home de aler &c. Tamen quære.

F ¶Et si cesty q̄ tiēt de Roy p service de chival' de aler oue le Roy en guer̄, vt sup̄ fait son service &c. donqz il aūa brief pur luy direct al Vic̄ dauer escuage de ceux q̄ teign̄ de luy p autiel service. Et le forme del briefe serra tiel.

¶Rex Vic' &c. quia dilectus et fidelis nr̄ W.D. habuit servic' suum nobiscum p p̄cept̄ nr̄m exercit̄ nr̄o Scotiæ an̄ regni nr̄i primo: *vel sic*, fuit nobisc' p p̄cept̄ nr̄m in exercit̄ &c. an̄ &c. sicut p rotulos A. Constabularij nr̄i exercitus nr̄i p̄d̄ nobis constat: *vel sic*, fecit finem nobisc' p servic' suo in exercitu nostro Scotiæ an̄ &c. sicut p certificat̄ Thesaurarij et Baron̄ nr̄orum de Scaccario in Cancellaria nr̄a de mandato nr̄o missam nobis constat, Tibi præcipimus, q̄d̄ eidem W.D. habere fac' scutagiū suū de feodis milit̄ quæ de ipso tunc tenebant in bail' tua, viz. octo solid' de scuto p exercitu p̄dict̄, et hoc nullatenus omittas, Teste &c.

G ¶Et p̄ appiert, q̄ si l'e le Roy ale oue le lieut̄ le Roy, ou son deputie en guer̄, q̄ adonqz le constable del host content certifier̄ l'e en le Chanc̄, auant q̄ le tenāt le Roy aūa brief de Leuer Escuage de ses tenūts. ¶Et si le l'e le Roy agre oue le Roy pur son al' &c. donqz il contēt q̄ le Roy soit certifie de l'e en le Chanc̄ p le Treasorer a Barons Descheqr, auant q̄ il aūa briefe de leuer escuage de ses tenūts.

H ¶Et p ceo appiert, q̄ si le tenāt le Roy ne aler en le viage ne agre oue le Roy pur cel viage, q̄ adōqz il ne aūa escuage de tenūts ne dist̄ pur ceo les tenūts.

I ¶Et si home tient de Roy p locage, a plusorz auts teign̄ de luy p service de chival', a le Roy fait viage en Escoce ou Gales en guer̄: ore il semble q̄ il naūa escuage de ses l's, sil ne ale oue le Roy en son viage. Mes sil ale oue l' Roy ou son deputie, ou agre oue le Roy pur cel viage, donqz il semble q̄ il aūa escuage de ses tenūts, a aūa le brefe auantdit, a nē material sil tient p service de chival', ou en locage.

K ¶Et si sr̄, meine, a tenāt sont, a chesc̄ tyent de aut̄ p service de chivaler, si le tenant ale en Escoce p le common sum̄ le Roy, donqz le meine ne patera escuage: q̄d̄ conceditur p Cur̄ Trin̄ 5. H. 3.

¶Et

¶ Et si home tient terre p tiel seruice, q̃ il payaera vn denier, ou vn payre despoys, quant escuage courge &c. ceo ne serra ppetrãt Escuage, come appiert Trin 15. E 2. tit Auowrie en les Abridgemẽts. A

¶ Et vide M. 19. R. 2. que gard de castle conteruault Escuage, issint que son heire serra en gard pur cel, et issint de graund Sergeantie &c. Et vnt̃ semble que ils ne pateñ Escuage &c. quod vide en le title de Garde. B

¶ Et vide en title en Quare imp̃ en les Abridgemẽts, que Escuage certein ne fait seruice de chiualer, Hill 5 E. 3. C

¶ Et si soit ffait, e pluseurs seũal meines e tenãts, e chescũ tient p seũal seruice de chiualer, si le t̃ del terr̃ pauaile fait les seruices, e ale oue le Roy en guerr̃ &c. q̃ t̃ excuser touts les auts meines, car p vn terr̃ ne poit estre dõe forsq̃ vn seruice, s. de aler, ou trouer home de aler, e donq̃s le aler del t̃ excuse luy e son meine, e issint le meine paramoũt luy est excuse, pur ceo q̃ le seruice est fait per le tenant &c. D

¶ Et quant le Roy voit leuier Escuage de ses tenants, il vse de faire vn cõmission as cert̃ gents. Et le forñ est tiel. E

¶ Rex dilectis &c. Assignauimus vos ad scutagium nostrum de exercitu nr̃o Scotiæ, ann̄ regni nr̃i primo leuand' et colligend' in com̃ K. tam infra libertates quam extra, de feodis Militũ que nunc tenebãt de nob̄ in capite, siue de escaetis & honorib⁹ in manu nr̃a tunc existeñ, siue de ꝓquisito ꝓgenitorũ nr̃orũ, aut nostri, quam de feodis militũ, quę tenẽtur de Archiepiscopatibus, Episcopatib⁹, Abbatijs, Prioratibus, & alijs dignitatibus vel offic' eccleſiasticis quibuscũque quę tunc in manu nostra tueñ, ac de hæreditat̃ hæredum infra ætatem & in custodia nr̃a existeñ, viz. xl. solid', de quolibet feodo ꝓ exercitu supradicto. Ita qd' omnes denarios inde prouenientes habeatis ad Scaccar̃ nostrum particulatim ad citius quo poteritis nobis ibidem soluend'. Et quia quamplura de feodis præd' ad manus diuersorum deueneñ, tam temporibus progenitorum nostrorum quã nostro, quedam viz. per discentum hæreditarium, tam in partes quam alio modo, & quędam per alienac' inde diuersimode factas: Assignamus vos ad inquirend' p sacramentũ ꝓborum & legaliũ hominũ de quolibet hundredo in com̃ p̃d', tam militum cinctor̃ gladio, quam aliorum, per quos rei veritas melius sciri poterit, qui tenueñ feoda militaria tempore prædicto in eodem com̃, aut aliquam partem feodorum eorundẽ, vt de corona nostra Angliæ, vel de ꝓquisito ꝓgenitorum nos-

trorum et nr̃o, et de Archiepiſcopat̃, Epiſcopat̃, Abbatijs, Prioratibus, et alijs dignitatibus et officijs antedictis. Ac etiã de hæreditatibus hæred' p̃d' tunc infra ætatẽ exiſten. Et quot feoda et quantas partes feodi quilibet tenẽs hm̃di tũc tenuit, et in quibus vill' diſtinctè, et qui fuer̃ anteceſſores illorũ qui tenent p̱ diſcenſũ hæreditarium, et qui alio modo, ac etiã qui hæredes fuer̃ infra ętatẽ, et in cuſtod' nr̃a, et que Archiepiſcopatus, Epiſcopatus, Abbatiæ, et Priorat⁹, et aliæ dignitat̃ quecũque vel officia tẽpor̃ illo vacabant tẽporalia, quorum cuſtodia ad nos pertinet: Et ideo vobis in fide qua nobis tenemini firmiter iniungendo mandamus qd̃ ad certos dies &c. p̃miſſa faciatis et expleatis in forma p̃d̃, et inquiſitiones ſup̱ premiſſis diſtinctè et apertè factas, quæ de ſingulis feodis et de nominib⁹ et cognominibus ea ſingulatim quõdã tenentiũ dũ integr̃ tenebantur, et eorũ qui poſtmod' ea ſucceſſiuè tenuer̃ poſt p̱titiones eorũ int̃ hæred' p̱ticipes, vel p̱ alienationes, vt p̃dictũ eſt, ap̱tã faciant mentinẽ, habeatis ad ſcaccar̃ p̃d̃ circa feſtum Paſchæ p̱xim̃ futur' ſub ſigillis veſtris et ſigillis eorum &c. facta fuer': Mandamus enim Vic' nr̃o com̃ p̃d̃, qd' ad certum &c. venire fac' tot et tales p̱bos et legales homines, tã Milites gladio cinctos, quã alios de balliua ſua, tam infra libertates quam extra, per quos rei veritas melius ſciri poterit et inquiri, et qd' vobis in præmiſſis pareat et intendat. Mandamus etiam Theſaurario et Baronibus noſtris de Scaccar' p̃d', qd' hm̃di feoda ad Scaccar' p̃d' repta, teneas et teneñt in com̃ p̃d' tangẽtia, vobis celeritèr in ſcriptis mittant in euidentiam, et p̱ maiore expeditione p̃miſſorum. In cuius &c. Teſte &c.

¶ Et Venire fac' fra mañd al viẽ cloſe ſur ceſt cõmiſſiõ, & auſ bz̃ cloſe al Treaſorer ⁊ barõs ⁊c qd' feoda mittant &c.

F ¶ Et ore il appiert p̱ ceſt commiſſion, que le Roy auera Eſcuage des ts que teigne de ceux terres ou manoirs q̃ le Roy ad en ſa maine per reaſon de gard̃, ou per reaſon de vacation de Eueſchery ⁊c ou ſil aũ eſtate a terme des ans en le ſeigniory, il aũa eſcuage des tenants ⁊c.

¶ Et iſſint aũa auſ ſñr ſil ad eſtate a terme des ans, ou a terme de vie en le ſeigniory, ſil ale en voiage oue le Roy en guerr̃e en Eſcoce ⁊c. il auera donques Eſcuage des tenants q̃ teigne de luy p̱ ſeruice de chiualer, car le tenant neſt tenus de aler, ſinon p̱ur defender ſon ſñr, ou de trouer ẖome de luy defender, & donq̃s ſi le ſñr ne ale en guerr̃ ⁊c. le tenant eſt excuſe.

45 ¶ Breue de Securitate inueniend', quod ſe non diuertat ad partes exteras ſine licentia Regis.

NOta que p cours del cõmon ley cheſcun home poit aler hors de Roialme pur marchãdizer, ou peregrination, ou auter cauſe q̃ a luy pleroit, ſans dõer licence de Roy, et ne ſerra puny put cel : Mes pur ceo que en droit cheſcun home eſt tenus a defender le Roy & ſon Roialme, pur ceo le Roy a ſon pleaſure poit commaũder per ſon bẽe, que il ne alera ouſter le mere, ou hors de ſon Roialme, ſans ſon licence &c. Et ſil fiſt encounter ceo, il fra fine pur diſobeiance le commaundemẽt le Roy. Mes il ſemble q̃ ceſt commaundemẽt poit eſtre fait p:r bẽe le Roy ſouth le graund Seale, & auxy per ptiuy Seale, ou Signet : Car le ſubiect eſt tenus p la ley de prendr̃ notice de cheſcun ſeale le Roy, ſibien come de graund ſeale le Roy en tiel caſe. A

¶ Et ſont deux maners del fozme de tiels briefes, & lun eſt direct al party, & lauter briefe al vic̃, luy commaundant de cauſer le party de troũ ſuertie, que il ne alera hors de Roialm̃ ſans licence le Roy, le prim̃er eſt tiel. B

¶ Rex I. de B. ſalutem, Quia datũ eſt nobis intelligi, qd' tu verſus partes exteras abſque licentia noſtra clam deſtinas te diuerteſ, et quamplura nobis et coronę nr̃æ p̃iudicialia ibidẽ ꝓſequi intendis, in nr̃i contẽptum et p̃iudiciũ, ac contra ꝓclamationes et inhibitiones noſtras inde ſepius factas: Nos hm̃di contẽptui et p̃iuditio obuiare volentes, tibi diſtrictè ſub ꝑiculo quod incumbit ꝓhibemus, ne verſus ptes exteras abſque licentia nr̃a ſpeciali aliqualiter te diuertas, nec quicquam ibm̃ ꝓſequi attemptes, ſeu attẽptari fac', qd' in nr̃m ſeu dictæ coronæ nr̃æ p̃iudic' cedere valeat quoniſmodo, nec aliquem ibidẽ mittas ex hac cauſa. Teſte &c.

¶ Et auxy le Roy p ſon ꝓclamac̃ poit inhibiter ſon ſubiect que il ne alera ouſter le mere, ou hors de ſon Roialme ſans ſon licence, & ceo ſans maundr̃ alcun bẽe ou auc̃ commaundemẽt a ſon ſubiect : car per cas il ne poit trouer ſon ſubiect, ou conuſter lou il eſt, & pur ceo cauſe le ꝓclamation le Roy eſt ſufficient. Et ſi le ſubiect fait encontr̃ cel, ceo eſt vn cõtempt, et il fra fine pur cel al Roy. C

¶ Lauter fozme de briefe eſt direct al vic̃, et eſt tiel. D

¶ Rex vic' &c. Quia datum eſt nobis intelligi, qd̃ A.B. clericus verſus partes exteras ad quamplura nobis et quampluribus de populo nr̃o p̃iudicialia & damnoſa ibidẽ proſequend̃

quend' tranſire ꝓponit: Nos malitiæ ſuæ reſiſtere volentes in hac ꝑte, tibi ꝑcipimus, firmitèr iniungentes, quod ꝑdict A.B. coram te corporalitèr venire fac'. et ipm ad ſufficientes manucaptores inueniend', qui eum manucapere voluerint, ſub certa pœna eis ꝑte rationabilit imponend', ꝓ qua nobis reſpond' volueris, *vel ſic*: & ipſum A.B. ad ſufficient ſecuritatem inueniend' ſub pœna centũ librarũ, ad opus noſtrum ſoluend', vel quilibet eorũ ſub pœna &c. qd' ipſe verſus aliquas partes exteras ſine licentia nr̃a ſpeciali ſe non diũtat, nec quicunque ibid. ꝓſequatur aut ꝓſequi vel attẽptari facere ꝓſumet, qd' in nr̃i cõtẽptũ vel ꝓiudiciũ, aut populi nr̃i dãnũ cedere valeat, nec aliquẽ aut aliquos ibid. mittet ex hac cauſa quouiſmodo compellas. Et ſi hoc coram te facere recuſauerit, tunc ipm A.B. proxim̃ gaol' nr̃æ committas in eadẽ ſaluo cuſtodiend', quouſque hoc gratis facere voluerit. Et cum ſecuritat̃ ill' ſic ceperis, nos inde in cancell' nr̃a ſub ſigillo tuo diſtinctè & apertè ſine dilatione redd certiores vel certifices indilatè hoc breue nobis remittens, T. &c.

C ¶ Et ceſt briefe poit eſtre direct as Juſtic̃ de peace, ou al vic̃, ou as ambideux, & le forme poit eſtre fait come briefe de Supplicauit, q̃ eſt direct as Juſtices de peace, & al vic̃, de cauſer vn de trouer ſuertie &c.

F ¶ Et chelcun p ſon ſurmiſe fait al Chancelor poit ſuer ceſt bꝛe pur le Roy. Et donq̃z le pty vers q̃ eſt ſue poit bener en le Chancery, & obtaine licence per lr̃es patents, ou per lr̃es de ꝓiuie Seale, ou ꝓiuie Signet, & ceux licẽces ſont bones, coñt q̃ ils ne ſont ſouth le graund Seale, pur ceo q̃ ceux lr̃es voit̃ luy excuſer del contẽpt. Et tielx lr̃es ſont appelles paſſe-portꝛs. Et oꝛe p leſtatute le roy Ric̃ 2. le cinq̃z an de ſon reigne cap. 2. eſt oꝛdeine, que nul paſſa hoꝛs de Roialme ſans conge le Roy &c. ſinon ceux q̃ ſont foꝛſpꝛis en leſtatute, et pur ceo beies leſtatute.

46 ¶ Breue de Treſpas.

SOnt deux maners des bꝛiefs de Treſpas: vn eſt de trñs q̃ eſt bicontiel, & eſt direct al Vic̃, & neſt retoꝛnable, mes ſerra determine en le coũty deuãt le vic̃, & en ceſt bꝛiefe ne dirra, Quare vi & armis &c. Mes le foꝛme del bꝛief eſt tiel. ¶ Rex Vic' Lincoln̄ ſalutẽ, Queſtus eſt nobis A de B. quod C. in ipſum A. apud N. inſultum fecit, & ipſum verberauit, vulnerauit, & maletractauit, et alia enormia ei intulit, ad damnum ipſius A. non modicum & grauamen,

& ideo

& ideo tibi præcipimus, qđ loquelam illam audias,& poſtea eum inde iuſte deduci facias,ne amplius clamorem inde audiamus pro defectu iuſtitiæ, Teſte &c. Et per ceſt bꝛiefe le Viſ̄ oyera & determineꝝ ceſt trꝛ̄s &c. & per enꝗſt ſolonqꝫ le oꝛder del cõmon ley,car ceſt bꝛiefe eſt a luy come vn cõmiſſ. en effect,& poit counter ſur cel bꝛief al dam̄ de xx.ł.ou plus.

¶ Eſt auter foꝛme del bꝛiefe pur biens pꝛiſes, *ſic*:

¶Rex Vic' &c. Queſti ſunt nobis A.& B. executores teſta- B
menti C.qđ E.& F. bona et catalla quæ fuer̄ ipſius C. ad valenc' &c. ſub cuſtodia ipſoꝝ execut̄ apud N.inuenta cepeꝛ̄ et aſportaueꝛ̄,et alia enormia eis intuleꝛ̄, in retardac' exec' teſtam̄ti p̄dict̄. Et ideo &c. ne amplius &c.

¶ Et home poit ſuer auters bꝛiefs de Trꝛ̄s ſur le caſe en B
le coꝛ̄ deuant le Viſ̄. Et les foꝛmes des bꝛiefs ſont tiels.

¶Rex Vic' &c. Quæſtꝰ eſt nobis A. qđ cum B. centũ oues ſuas p̄đ A. ſup terꝛ̄ et paſtuꝛ̄ ſuam apud N. p vnũ annũ moratuꝛ̄, vel cuſtodiend' ſub certis cõditionibus liberaret, p̄đ B. oues illas ibm̄ ſup terram ipſius A.exiſtentes ſine licentia & voluntate eiuſd' A.infra termiñ p̄đ cepit et abduxit,et alia &c.ad dampñ &c.¶Per q̄l bꝛief appiert,q̄ il ne poit repꝛendꝛ les baſts,ſi le pl̄ perfoꝛm̄ les conditions &c.

¶ Si home appꝛompt certeine argent & deliꝝ certeine de C
ſes bñs en pledge pur cel,& il offer le argēt al partie arere, & pꝛia deliuerie de ſes pledges,& lauter ceo refuſe de faire, il aũa bꝛief de Treſpas ſur ſon cas vers luy en le coꝛ̄ direct al Viſ̄ &c. a determiner ceſt matter &c.

¶ Si home deliuer a vn tauꝛ̄, ou boues, ou baches, ſur D
certeine condition pur certeine terme, a defaire ſon ꝓfit de eux,ſil eux repꝛiſt deins le terme ſans le volunt de ceſty a q̄ ils fueꝛ̄ deliueres &c. il auera bꝛiefe Trꝛ̄s vers luy,direct al Viſ̄ a determiñ ceſt matter.

¶ Et iſſint ſi hõe diſt̄ certeine baches q̄ux ſont enſeintz E
oue viteis, & cux imparke & deteign̄ en parke enconter ley ey longem̄t q̄ ils deiect lour viteis, donqꝫ il auera eſpeciall bꝛiefe direct al Viſ̄ rehearſant ceſt eſpecial matter, a determiner ceo deuant le Viſ̄ en ſon Countie.

¶ Et iſſint ſi home ad certeine ſaliuer al coaſts del mere, F
& vn mure fait enter le mere & ceſt ſaliuer,oꝛe ſi auter pſon enfreint ceſt mure,p q̄ le eẅe del mere enflow en ceſt ſaliuer, il aũa eſpeciall bꝛiefe de Treſpas direct al Viſ̄ a determiner ceſt matter en le Countie.

¶ Et iſſint pur cheſcun maner de treſpas fait,home poit G
eſlier

eſlier dañ tiel bꝛe direct al vicont a termininer ceſt matter deuant luy en le countie, ou de ſuer bꝛe direct al vicont, retornable en common bank, ou bank le Roy.

H ¶ Et ſi le bꝛ de Treſpas eſt retornꝛ, dõqꝫ le bꝛe ſerra dauter forme, car donque ceux paroix, vi et armis ſerra mis en le bꝛe, & ſil fault ceux poix, le bꝛe abatera, ſils ne ſont bꝛes de Treſpas foundes ſur le caſe, q̃ux bꝛiefs de Treſpas naũa ceux poix en le bꝛe, Quare vi & armis ꝛc. com̃t q̃ ils ſont retornables en bank le roy, ou en cõmon bank, & ſils ont ceux poix en le bꝛe, Quare vi & armis, ẽ ſerra cauſe dabater le bꝛ. Et le forme de bꝛ de Treſpas ret en bank le roy eſt tiel.

I ¶ Rex Vic' &c. Si A. fecerit &c. tunc pone p vad et ſaluos pleg. B. qd' ſit coram nobis in octauis ſancti Mich. vbicunq; fuerimus tunc in Angl'. Et ſil ſoit retornabl' en common bank, *Tunc ſic* : coram Iuſtic' noſtris apud Weſtm in octauis ſancti Mich. oſtenſ. quare vi et armis in ipſum A. apud N. inſultum fecit, et ipſũ verberauit, vulnerauit, et maletractauit, ita qd' de vita eius deſperabatur, et alia enormia ei intulit, ad graue dampñ ipſius A. & contra pacem noſtram, & habeas ibi nomina pleg. et hoc breue. Teſte &c.

K ¶ Et ſi home impꝛiſõ aut, donqꝫ le forme del bꝛe ꝺ Trñs eſt, Oſtenſ. quare vi & armis in ipſũ A. apud N. inſultũ fecit, & ipſũ vulnerauit, impriſonauit, & maletractauit, et alia &c.

¶ Et neſt material ſil luy woũd ou non, car le forme ꝺl bꝛiefe eſt iſſint. Mes les damñs ſerra encreaſe p ceo ſil recouer. Et ſil luy impꝛiſon tanque il fait fine pur ſon deliuerance, donqꝫ le forme eſt : Quare vi et armis ꝑm A. apud N. cepit, impriſonauit, et maletractauit, et ipſũ in priſona ibm̃ quouſq; finem p tantũ ,p deliberatione ſua habẽd cum pref. B. feciſſet, detinuit, et alia enormia ei intulit &c.

L ¶ Et hõc poit aũ vn bꝛe de Trñs pur diuers treſpaſſes ꝛc. come pur enfreinder de ſon cloſe, coup de ſes arbꝛes, et piſchant ſes viuers, & baterie de ſes ſeruants, et pꝛẽder de ſes bñs & chateux, et tout en vn bꝛiefe, et ꝓur ſcier de ſon bois, et pꝛẽder les pulies des eſperuers, Et le forme de bꝛ eſt tiel: Quare vi et armis boſcũ ipſi⁹ A. apud N. intrauit, & tres pullos eſperuorũ ſuorũ ꝓtij tanti nup in eodẽ boſco nidificantiũ cepit et aſportauit, et alia enormia &c.

¶ Et p ceſt bꝛe appiert, q̃ le ꝓperty de les eſpuers ſont en ceſty q̃ ad le terre, p ceſt pol (ſuorũ) q̃ eſt en le bꝛiefe.

M ¶ Et p̃ chaler en ſon warrein, le forme eſt : Quare &c. Warrennam ipſius A. apud N. intrauit, & in ea ſine licentia

centia & voluntate ſua fugauit, & lepores, cuniculos, phaſianos, & perdices cepit & aſportauit &c.

¶ Et ſi home chaſe & pꝛiſt ſes cunicles en lō cloſe q̄ nest warren, donqꝫ le foꝛme del bꝛief eſt: Quare &c. clauſū ipſius A. apud N. fregit, & in eo ſine licentia & voluntate &c. fug. & tot cunicul' prec' tanꝺ cepit & aſportauit. A

¶ Et p cē bꝛief appiert, q̄ cēp q̄ ad la tre nad ꝓpꝛ ē les cunicles &c. Et iſſint de park, Quare &c. parcū ipſius A. apud N. fregit, & in eo &c. fugauit, & feras cepit & aſportauit, *vel ſic*: Quare &c. herbā ipſius A. apud N. nup creſc', vel blada ipſius A. apꝺ N. nup creſc' ad valentiam decē librarū cū quibuſdā aūijs depaſtus fuit conculcauit & conſumpſit, & alia &c. Et ne beſoigne dire en le bꝛiefe, Quare &c. clauſū fregit &c. & herbam &c.

¶ Et ē auꝫ foꝛmā ꝺ bꝛief ꝺ treſp de ſolo foſſo & carbonib' maritimis aſportatis. B

¶ Et auꝫ foꝛmā de bꝛ' en le Regiſter de equo & catall' arreſtatis ſine cauſa, quouſque finem fecerit. C

¶ Et auter foꝛme de domo fracto et maeremio aſportat'. D

¶ Et bꝛiefe de treſp pur executoꝛs des biēs pꝛiſes hoꝛs de lour poſſeſſ. quel eſt tiel. E

¶ Rex &c. Si A. & B. executores teſtamēti C. fecerint &c. tunc pone &c. quare quatuor boues qui fuer' ipſius C. precij centum ſolid' ſub cuſtodia ipſorum Executorum apud N. inuentos cepit & abduxit, & blada q' fuerunt pred' C. ibid' creſcentia meſſuit, & blada illa ac alia bona & catalla q' fuer' eiuſd' C. ſub cuſtodia eorund' executoꝝ ibid' inuenta cepit et aſportauit, et alia enormia eis intulit in retardationem executionis teſtamenꝫ pred', et conꝫ pacem noſtram.

¶ Et ſi Abbe et ſes Moignes enfreint le ſeale daſcū eſcript q̄lz ont fayt al auꝫ plon, le pty aūa bꝛ' de Trñs verz eux en tiel foꝛme. ¶ Rex &c. Si A. fecerit &c. tunc pone Abbatem de C. et I. et D. commonachos eiuſd' Abbatis &c. Quaꝫ &c. quod' ſcriptum ipſius A. communi ſigill' p̄d' domus ſignat', p qd' idem Abbas & conuentus eiuſd' loci tenebanꝫ p̄fat' A. in victu & veſtitu & oībus neceſſarijs ſuis ſibi inueniend', quouſque idem Abbas & Conuentus eandem A. alicuī viro viginti libratas terre vel redditus habenti maritaueꝫ, apud L. inuenꝫ malicioſe fregeꝫ, Et alia &c. F

¶ Et auꝛy home poet aū vn bꝛ' de trñs pur piſcher en ſ ſeñall piſcher', et pur faucher de ſes herbes, et pur foꝛwer ꝺ ſon tre, et pur puer de ſes herbes, & taut en vn bꝛiefe. G

¶ Et auꝛy auter foꝛme de bꝛiefe p meſſ, de ſes blades, et faucher

kaucher de ſes herbes, & ſuccider de ſes arbres, & pur auter bleæs & herbage depaſtes, & tout en vn briefe.

H ¶ **Et auxy auter briefe de Treſpas fait al ſeme auant le couerture que eſt tiel.**

¶Si A. et B. vxor eius fecerint &c. tunc poñ &c. quare &c. quoddã forceriũ ipſi⁹ B. apud N. inuenẽ fregit, et quoddam ſcripẽ obligatoriũ in eodem forcerio inuentũ cepit et aſportauit &c. et alia &c. ad graue dampñ ipſoꝝ A. et B. et contra pacem noſtram.

I ¶ **Et auter briefe eſt en** Regiſter, **de** Naui abducta, et catall' aſportat.

K ¶ **Et auter briefe** de bladis et graminibus vineaꝝ depaſt &c. ¶Et aliud breue de bladis et graminibus boſci cedui depaſtis &c.

L ¶Et aliud breue de ſtagno fracto, *ſic* : Quare &c. quoddam ſtagnum apud R. malitioſè fregit, ꝑ qđ aqua ab eodẽ ſtagno decurrens viuariũ ipſius A. ibid' in tantum inundauit, qđ ꝑ curſum atq; illius et inundatiõ p̃d piſcis in eod' viuar̃ tunc exiſtens ad valenc' cent̃ marcar̃ exiuit, et alia &c.

¶ **Per q̃ appiert, q̃ il aũa briefe de** Treſpas vi et armis, **p̃ ceo q̃ il cauſe leſw de currer hoꝛs de ſon diuer, ꝑ q̃ le piſche la eſteant iſſera hoꝛs.**

M ¶ **Et eſt aut̃ briefe de** Equis abductis, **& biens & chateux al value de C.s. & C.s. de ſes deniers** in pecunia numerata ibid' inuent̃ cepit &c.

N ¶ **Et eſt auter briefe de** Trñs **vers ceux q̃ux giſ ſeig. al meaſon le pl', & ne voit' ſuffer ſes ſeruants de ent̃ l' meaſon, ne ſes ſeruants q̃ ſont en le meaſon de iſſer hoꝛs, & p̃ pziſel & emparker de ſes beaſts & eux deteꝛgñ, & ne voile ſuffer luy de ſuer** Repl' &c. **Et le foꝛm̃ del briefe eſt tiel.**

¶Rex &c. Si &c. pone &c. quare vi et armis manſionẽ ipſius A. apud H. obſideꝝ, et homines et ſeruientes ſuos extra manſiõ prædictam exiſtentes, eandem manſionem ad ſeruic' et commodum ipſius A. inibi faciend' ingredi, ac quoſd' alios homines et ſeruientẽ ſuos inibi exiſtentes, manſionem prædictã ad terram eiuſdẽ A. ibidẽ excolend' exite non permiſeꝝ, per quod cent̃ acꝝ terræ ipſius A. inculte remanſeꝝ, et idem A. profic' terꝝ ſuę prædictę ad valentiam viginti librarum, et ſeruic' ſuum eorundem hominum et ſeruientẽ ꝑ magnum tempus amiſit, necnon aueria ipſius A. ibidẽ imparcaueꝝ, et ea ibidem imparcata detinuerunt, non permittentes ea eidem A, ſecundum legem et conſuetudinem regni noſtri

replegiari, Et alia enormia ei intulerunt &c.

¶ Et eſt aliud breue de domo fracta & priſonar̃ abduct̃ *ſic:* A Quare vi & armis domum ipſius A. apud N. in qua idem A. quend' H. de C. Scotum per ipſum in guerr̃ capt̃ tanquam priſonar̃ ſuum, quouſque ſibi de centum libris, per quas idē H. redemptionem ſuam cum præfato A. pro vita ſua ſaluand' fecerat, ſatisfactū foret, detinuit, fregerr̃, & ipſum H. cepeꝛr̃ & abduxerr̃, & alia enormia &c.

¶ Et nota la forme del briefe eſt pur choſe biue cõe chiuals, ou homes, ou tiels, adire cepeꝛr̃ & abduxerr̃, & pur mort choſe adire en le briefe, cepeꝛr̃ & aſportaueꝛr̃ &c. B

¶ Et eſt auꝫ briefe de trñs, ſi home priſt vn auꝫ, & luy empriſon tanque il fait corporal ſerement, que il ne inquietꝛ ou vexerr̃ ceſty que luy empriſon pur treſpas auant fait, ou luy empriſon tanqꝫ il luy ad fait releas de touts actions. C

¶ Et ſi home priſt ſon villein & luy mitter en cippes, & auters vient & enfreint les cippes, & luy priſt hors, il auera briefe de trñs, & le forme eſt. Quare cum idem R. S. natiuū & fugitiuum ſuum in mañio ſuo apud K. pro eo qd' eidem R. non fuit iuſtificabilis cepiſſet, & ipm ibm̃ in cippis ad caſtigand', prout ſibi bene licuit, poſuiſſet p̃dict' &c p̃d' cippos vi & arm̃ fregerr̃, & ipm S. cepeꝛr̃ & abduxerr̃ &c. D

¶ Et eſt auꝫ form̃ de bꝰ tiel, Quare vi & armis &c. quodd' foſſatum in L. terris & fimis in tantum impleuit, qd' aqua de foſſato p̃dict' exiens blad' ipſius W. in garbis in horreo ſuo ibidem exiſtent̃ ſuperundauit, p qd' blada p̃d' ad valentiam C. s. putrifacta fueꝛr̃, & arboꝛ ſuas ibid' nup creſcen̄ ad valētiam xl. s. radicitus euulſeꝛr̃ & aſportaueꝛr̃, & blada ſua ibidem nup creſcen̄ ad valenc' xl. s. cum quibuſdā aũijs ſuis depaſti fueꝛr̃, conculcaueꝛr̃ & conſumpſeꝛr̃ &c. Et per le primes del bꝰ appiert, q̃ ceo eſt acꝰ ſur le caſe de trñs, & le reſidue commõ action de treſpas. E

¶ Et ſi home extract vyne de doles de viñ, & mit eawe en ieel de cux impleer arere, il auera action de trñs pur ceo in ceſt forme, Quare vi & armis &c. x^l. lagenas de quodam doleo vini ipſius A. precij quatuor libr̃ in naui p̃dict' I. apud S. poſit̃ abinde vſque S. ducend' extraxit, & doleum illud aqua maritima adimpleuit, Ita quod reſiduum vini p̃d' putridum deuenit, & totaliter deperijt, & alia &c. F

¶ Et aliud breue de piſcar̃ piſcariæ, & herba depaſta, & terr̃ foſſata, *ſic :* Quare vi &c. in libera piſcar̃ ipſius A. apud N. piſcatus fuit, & herbam ſuam ibidem nuper creſcen̄ falcauit, G

falcauit,& in terra ſua ſimiliter ibid' fodit,& terram inde p̄ iect',ac herbam p̄dictam & piſcem de piſcaris præd' ad valentiam C.s.ceper̄ &c.

H ¶ Et appiert cy,que ſont diuers mañs des foꝛmes des bꝛiefs de piſcher̄ en s̄ piſcarie,vn bꝛiefe eſt, Quar̄ &c.in viuarijs ſuis piſcatus fuit &c. Aut̄ bꝛiefe eſt, Quar̄ &c. in viuarijs ſuis piſcatus fuit &c. Et le iij. bꝛiefe q̄ eſt auant, Quar̄ in liber̄ piſc' ipſius A. apud N.piſcatus fuit &c.

I ¶ Et home aũa bꝛiefe de Treſpas de s̄ meaſon debꝛuiſe, & aꝛbꝛes ſucciſe,& pur piſcher en ſes viũs, & pur pꝛiſel des bñs & chateux, & pur pꝛiſel des auers de ſon caꝛue & eux emparker & deteigner, & pur pꝛiſel des columbes de ſon columbar̄, & le foꝛme eſt tiel, Quare &c. domos ipſius A. apud N. fregit, & arbores ſuas ibid' nuper creſcen̄ ſuccidit, & in viuarijs ſuis ibid' piſcatus fuit, & piſc' inde ac arbores p̄dict',necnon alia bona & catall' ſua ad valentiã C.s.ibm̄ inuẽta cepit & aſportauit,& aueria ſua de caruca ſua ibm̄ cepit & impcauit, & ea tãdiu imparcata detinuit, qd' quadraginta act̄ terræ ciuſd' A. p̄ magnum tẽp⁹ inculte remanſer̄,& colũbas colũbaris ſui ibm̄ cũ retibus & alijs ingenijs cepit & aſportauit, p̄ qd' idem A. volatum columbar̄ ſui p̄d̄ totaliter amiſit.Et alia &c. ¶ Et p̄ ceo bꝛiefe appiert, q̄ home auera act̄ de Treſpas general pur pꝛiſel des beaſts de ſon caꝛue, & ioinder̄ en cõmon act̄ de treſpas, oue aũs treſpaſſes, & aucy q̄ il aũ act̄ pur pꝛiſel de ſes columbes.

K ¶ Ou poit aũ bꝛiefe de Clauſo facto, & bladis in garbis & fenum ad valenc' C.s. depaſtis &c: Ou del fein ſolement depaſt &c. Ou quare arundinem ipſius R. ad valentiam C.s. apud N.nup̄ creſcen̄ meſſuit & aſportauit.

L ¶ Aut̄, Quare &c. lapidem molarem ipſius Prioris præcij xl.s.apud N.fregit,& bona & catalla &c.

M ¶ Et per ceſt appiert, ſil ſoit viue choſe ou moꝛt choſe, de q̄ laction ſoit poꝛt, il neſt material ſil dit precij &c. *vel* ad valentiam &c.

¶ Et auter bꝛiefe de ſtagno molendini fracto in duabus villis, *ſic* : Quare &c. ſtagnum molendini ipſius R.de B.apud R.& S.fregit,per qd' aqua de eodem ſtagno totaliter exiuit, & eidem R. proficuum molendini ſui prædicti ad valenc' C. s.amiſit,& bona & catalla ſua &c.

N ¶ Et auter bꝛiefe de domibus & catallis combuſtis.

O ¶ Et aut̄ bꝛiefe de ouibus tonſis & lanis aſportatis.

P ¶ Et aut̄ bꝛiefe de pꝛiſel de luy & impꝛiſon en vn lieu, i

de

de illeoqz luy amelñ & impꝛiſoñ en auť lieu, & la luy deteignt en pꝛiſon. ¶ Et auť bꝛiefe pur pꝛiſel de ſes oues ẽ vn lieu, A
& ẽ parkes en auť lieu, tanqz il ad fait fine.

¶ Et auť bꝛiefe pur infriend de ſes cluſes ẽ tiel foꝛme, B
Quare &c. excluſum ſtagni molendiñ ipſi⁹ abbatis & pcum ſuum ibm̃ apd' S. fregeť, & in eo ſine licẽtia &c. & arboꝛ ſuas &c. & in ſepali piſcaria &c. et piſcem inde, & arboꝛ p̃dict' ad valenc' C.s. necnon feras de p̃d' pco ceperť.

¶ Auť bꝛiefe, Quare vi & armñ &c. excluſas ipius A. vlť ſoſſatum de N. pꝛ ſaluatione terrarum ſuarum apd' C. &c. vi & armñ fregit & maremium ind' ad valenc' C.s. in minutas ptes ſecuit, ita qd' pꝛ fracturam hm̃di, terræ, & prata eiuſd' A. ibm̃ inundať fueꝛ, & id' A. pficuũ ťrarũ et pratorũ p̃d' ad valenc' C.s. totaliť amiſit, et alia &c. ¶ Et auť bꝛief, ſi home impꝛiſ. D
ſon vill' & luy mitť ẽ cippꝛ pur ſes offences, & auť home luy mitť alarge, le ſñr aũa bꝛe de trñs pur infriendꝛ des cippꝛs & pur mitť ſon vill' alarge.

¶ Et auť bꝛiefe ſi home ſoit eꝛtant pꝛ le boy, & auť home pcuta le chiual, pꝛ q̃ il deiect ſon maſter & luy damnifie: oꝛe ceſtuy q̃ eſt deiect aũa bꝛe de trñs vs lauter. E

¶ Et auť bꝛ pur ouſte de aſť de les oũels, *ſic*: quare vi F
& armis dextꝛ ocul' ipſius W. apd' N. eruit, & alia &c.

¶ Et maſter dhoſpital auera bꝛiefe de trñs pur bñs pꝛiſes ẽ temps ⁊ p̃deceſſ. Et le foꝛme del bꝛiefe eſt tiel. ¶ Rex G
&c. Si W. de N. cuſtos hoſpitalis ſancti Michael' de C. fecerit &c. tunc pone &c. quare vi & armis bona et catall' prædict' hoſpitalis ad val' C.s. tempe I de C. nuper cuſtodis hoſpital' p̃d', p̃deceſſoris p̃d' cuſtod' apd' R. inuenta cepit & aſportauit &c. et alia &c.

¶ Et ſemblable bꝛe pur abbe ou pꝛioꝛ, & la en l' fine del bꝛe il dira, in deterioratione domus & Eccleſię ipi⁹ abbatis, Et iſſint ſemble il dira ne le fine del bꝛiefe pur hoſpital.

¶ Et auť bꝛiefe pur abbe *ſic*: quare vi et armis portas et H
domos dom' et eccl'iæ ipſius abbať apud L. fregit, & blada dom' et eccl'iæ p̃d' tempore p̃d' abbatis ibm̃ creſceñ ad val' &c. cum q̃ buſd' aũijs depaſt⁹ fuit, conculcauit & conſũpſit, & bona & catalla eorund' domus & eccleſię tempe p̃d' ad val' C.s. ibm̃ inuenta cepit &c. et alia &c. Mes ceſt bꝛiefe eſt de trñs fait a m̃ labbe.

¶ Et eſt auť bꝛief pur trñs fait en temps de vacať dabbey ou dhoſpital, q̃ eſt tiel, Quare vi et armis bona et catall' I
domus et eccleſiæ ipſius abbatis de C. tempore vacationis

abbathie ꝑd' ad val' C.s. apud L. inuenta cepit & aſportauit &c. et alia &c.in deterioratione̅ &c.et con̅ pacem &c.

K ¶ Et auꝰ bꝛiefe de trñs,quare vi et armis warēnā ipſius A. apud C. intrauit, et in ea &c. fugauit, et boſcum ſuum ſimiliṫ ibidem intrauit, & tres pullos ſuos eſperuorum in eod' boſco nuꝑ nidific' ꝑcij xx. s. ac alia bona et catal' ſua ad val' C.s.ibidem inuenta, necnon lepores, cuniculos et ꝑdices in warēna cepit &c.

L ¶ Et auꝰ bꝛ de trñs, quare vi et armis centū oues ipius A.apud T.inuent̅ cum ꝙbuſd' canibus fugauit,canes illos ad mordend' oues ꝑd' in tantū incitando,qd' ꝑ fugationem illā et morſus canum ꝑd' oues ꝑd' multiplicit̅ deteriorate fuer̅,et magna pars ouium ill' fetus abortiuos fec', et in T. ſeruient̅ ſuum ibidem inſult̅ fecit &c. ꝑ qd' &c.

¶ Et aliud bꝛeue, de porcis fugatis,ita qd' intierūt &c.

¶ Et ſi home incite ou ꝑcut̅ ſ cheu de mozd aſt̅ home, il ꝙ̄a bꝛiefe de trñs ſur ceo.

M ¶ Et ſi home imple vn foſſe ouc ſime e t̅r̅,ꝑ q̄l vn ew ſoloit aū ſ courſe,ꝑ la t̅re dauꝰ home eſt ſurroñd &c.il auera bꝛiefe de trñs,quare vi & arm̄,e le bꝛ eſt tiel. ¶ Quare vi et arm̄ quodd' foſſatū apd' T. ꝑ qd' quedam aqua decurrit ib', t̄ra et ſimo in tantū impleuit, qd' aqua illa de antiquo curſu ſuo impedita xx. acr̄s t̄re ipſius A.idm̄ diuſis bladis ſeminatas inundauit,ꝑ qd' idem A.proficuum t̄re ſue ꝑd' totaliṫ amiſit, et alia enormia &c.

N ¶ Et ſi home pꝛiſt aūs,e eux eſloigſi as lienz nīēt con', le partie aū bꝛiefe de trñs,quare vi et arm̄ pur pꝛiſ de eux, e le bꝛiefe eſt tiel.

¶ Quare vi et arm̄ aūia ipius A. apd' N. cepit, et ea ad loca ignota fugauit, ita qd' aūia ill' eidem A. ſc̄dm lege et cōſuet̅ regni nr̄i replegiāda inueniri non potuer̅,et alia &c.

O ¶ Sont auꝰs bꝛiefes de trñs foundus ſur les ſtaꝰ e de les aſcuns enſuont.

¶ Rex &c.Si A.&c tunc attach. B &c. qd' ſit coram nobis &c.ad m̄nd' ꝑf.A.quare vi & arm̄ C.vxor̄ ꝑf. A.apd' N. rapuit, et eam cum bon̄ et catall' ꝑd' A.ad val' C.marcarum abduxit,et eam adhuc ei detinet,et alia &c. ad graue damnum &c. contr̄ formā ſtat' in hm̄i caſu ꝓuiſi &c.Teſte &c.

P ¶ Auꝰ bꝛiefe,Quare vi et a' aūia ipſius A.apd' N.in com̄ tuo cepit,et ea à com̄ illo vſq; P.in com̄ Kanc' fugauit et impcauit,et ea ibid' impcata detinet con̅ legem et cōſuetud' regni nr̄i,et con̅ pacem noſtram. Et habeas &c.

¶ Auꝰ

¶ Aut̄ bziel de Trñs, ne diſtrictiones &c. fiant extra feod̄ A
ſeu in via Regia, *ſic*. Si A. fecerit &c. tunc pone &c. qd̄ ſit &c.
coram &c. oſtenſ. quare cum de communi conſil' regni noſtr̄
puiſum ſit, qd' non liceat alicui diſtrictiones facere ex qua-
cunq; cauſa extra feod' ſuum, nec in via Regia aut coī ſtrata
niſi de nobis et miniſtris nr̄is ſpecialem auctoritat̄ ad hoc
habentibus, p̄d̄ B. qui miniſt' nr̄ non ē vt dicitur, extra feod'
ſuum apud N. aũia ipſius A. contr̄ form̄ puiſionis p̄dict̄ &c.
Et habeas &c. ¶ *Alit' in via Regia ſic:* Aũia ſeu bona et catall'
ipſius A. in Regia via cepit et imparcauit, et ea adhuc impar-
cata detinet contra legem et conſ. regni nr̄i &c. et contr̄ pac'
nr̄am, *Vel ſic:* Et aũia p̄d̄ diu imparcata detinuit contra legē
&c. et contra pacem noſtr̄ &c. Et habeas &c. Et aũia illa eid'
A. interim deliberari fac'. Teſte &c. ¶ Aut̄ bziel de Treſpas B
vers luy q̄ diſtr̄ p̄ beſts ò ſa caruc, ou p̄ ſes barbits, Oſtenſ.
quare cum ad cōmunem vtilitat̄ regni nr̄i ſtat̄ ſit, qd' nullus
de eodem regn̄ diſtringat̄ p̄ aũia carucar̄ ſuarum, vel p̄ oues
p̄ debito nr̄o vel alieno, ſeu alia quacunq; occaſione p̄ ball'
ſeu miniſt' noſtros aut alior̄, quandiu alia habeat aũia, p̄ quę
rationabilis diſtrictio ſup̄ ipſum fieri poſſit p̄ debitis illis le-
uand', exceptis duntaxat aueriis illis quæ in damno alicuius
inuenta ſcd̄m legem et conſ. regni nr̄i imparcari contigerit,
p̄d̄ W. oues p̄dict̄ A. apud N. vel aũia ipſius A. de caruca ſua
apud N. contr̄ form̄ ſtat̄ p̄dict̄ cepit et imparcauit, et ea adhuc
ibidem imparcata detinet, contra legem et conſ. &c. et contr̄
pacem &c. Et habeas &c. et aueria illa eidem A. interim de-
liberari fac'. Teſte &c.

¶ Et iſſint nota q̄ en cē br̄ de Trñs le Viſ̄ ferr̄ deliũance
al party cõe il ferra ſur repl'. Et ſi l' party ad ices beſts deliũ
a luy auant le bziel ſue, donqs ceſt clauſe aueria illa eidem A.
interim deliberari fac' ſerra omit en le bziefe &c.

¶ Aut̄ bre ſi hõe p̄ſt boues ou charets des autꝰ, ou aut̄ C
choſe come battels ou ſhips a faire lour cariage encount̄ le
volunt le owner, donqs il auera tiel bziefe.

¶ Rex Vic' &c. Si &c. pone &c. oſtenſ. quare cum in ſtat̄ du-
dum apud Weſtm̄ edit̄ int̄ alia contineatur, qd' nullus capiat
equos, boues, plauſtra, carectas, naues, et battellas ad caria-
gium fac' contra voluntat̄ illius cuius res ill' fuer̄, p̄dict̄ B. et
D. vi et armis quandam carectam et quatuor equos prædict̄
A. apud N. inuent̄, contra voluntatem ipſius A. ad cariagi-
um faciend' cepe̅r, et per magnum tempus detinue̅r, et alia
enormia &c. ad graue damnum &c. et contra formam ſta-

D tuti prædict̃,et contra pacem noſtram.Et habeas &c. ¶ Executors auera briefe de Trñs de bñs & chateux prises in vita teſtatoris.

E ¶ Et ſi hõe dict̃ hors de s̃ ſee,ceſty q̃ eſt dict̃ aũa briefe de Trñs vers luy,& en le fine del briefe il aũa cẽ clauſe,& aũa illa eidẽ A. interim deliberari fac' &c. Et p ceſt briefe le Mr̃ fra deliuerance al party come en repr̃.

F ¶ Si home deiect ſur les pées dun auŕ aſ̃ choſe, p q̃ il priſt damñ,il aũa briefe de Trñs ſur ceo.

G ¶ Si hõe priſt Chanon ou Moigñ hors del meaſon &c. Labbe ou Prior auera briefe de Trñs ſur ceo, *ſic*.

¶Oſtenſ. quare quand' domum infra Priorat̃ de B.quę eſt cella eiuſdem Abbatis,in qua frat̃ I.canonic' eiuſdem Abbatis ꝑ delicto, in qđ contra regulã ordinis ſui incidit exiſtit, iuxta dicti ordinis regulã caſtigand' vi et armis fregit et ꝑſ.I. cepit et abduxit. Et alia &c. *Vel ſic*, Quare &c.clauſum ipſius Abbatis apud L.fregit,et fratrem W.de L.canonicum &c. in carcerali cuſtodia infra clauſum prædict̃ iuxta regul' ordinis ſuis caſtigand' detentum, ab eadem cuſtod' extraxer̃ et abduxer̃. Et alia &c.

H ¶ Et home aũa briefe de Trñs de s̃ fits & heire, ou de ſa fiľ & heire priſe & marrie &c. Et le briefe eſt tiel.

¶Si R. fecerit &c. tunc pone &c. W. et B. quod ſint &c. Quare vi &c. Iohañ, vel Iohañ come le caſe eſt,filiũ vel filiã et hęred' ꝑdict̃ R.apud I. inuent̃ rapuer̃,maritauerunt,et abduxerunt. Et alia &c.

I ¶ Et le Roy aũa briefe de Trñs pur priſel de les biens ou chateux. Et le briefe eſt tiel. Quare vi et armis boñ et catalla nr̃a ad val' &c.Et alia enormia ibm̃ ꝓpetrauit in nr̃i contẽpt̃ et graue dampñ &c. et contra pacem noſtram. ¶ Et p trñs fait ſur le ſoiľ & poſſ. l' Roy le vſe eſt daũ infozmat̃ dentruſion p̃ le Roy en Leſcheq. le Roy, & de faire luy de reſp̃ la. Et q̃ſt il appiert en Leſch. le courſe ẽ la de luy lier p reconuſ. de auoiđ le poſſ.le Roy a ſon peril. Et vn̄ ſemble q̃ le Roy poet aũ briefe de Trñs,quare clauſum fregit &c.et herbas depaſt' fuit &c. et arbores ſuccidit &c.

K ¶ Et ſont auŕs briefes de Trñs,quare foſſata et ſepes ipſius A. fregerunt &c.

¶ Et auŕ briefe p ſower ẽ la tre,& de mitt̃ đ line & hemp in les foſſes,p q̃ l' eẅe fait infect,& le briefe eſt tiel.

¶Quare &c. in ſeperali ſolo ipſius A. apud N. fodit, et terram inde ꝓiectam in foſſatis ſuis ibm̃ ꝓiecit, et linum et canabum

nabum in eiſd' foſſat̃ poſuit, p̃ qđ aqua in foſſ. exiſtens p̃ corruptionem lini & canabi p̃d̃ adeo infecta deuenit qđ piſcis in eiſd' foſſat̃ exiſtens ad val' &c. interijt. Et al' &c.

A ¶ Et auꝫ bꝛieue de Trñs de aſſault de hõe en ſ̃ meaſ̃ & la luy obleſſe tanꝯ il fait ſeremẽt, q̃ il ne ſuer̃ tiel acr̃ &c. Et le bꝛieue eſt tiel. ¶ Quare in ip̃m I. &c. et ip̃m I. in quandã dom̃ ad quam p̃ vita ſua ſaluanda ibiđ fugit, inſecuti fuer̃, & ip̃m in ibi p̃ tempus non modicum obſeder̃, & ipſum ſic obſeſſum quouſq; corporale p̃ſtiterit ſacr̃m, qđ aliquam actioñ verſus p̃f. &c. occaſione tranſgr̃ p̃d̃, ſeu alia occaſione quacunq; non moueret, detinuer̃ &c.

B ¶ Si home ad ſwaike ou ſtrey en ſon mañ p̃ pꝛeſcription, & auꝫ home p̃ſt hoꝛs de cel aſcun ſwaike ou ſtreis &c. ceſty q̃ ad le mañ aña bꝛief de Treſpas pur eux &c. & ceo ſans aſcun ſeiſer de eux auant.

C ¶ Et ſi home pꝛiſt auꝫ perſon & luy impꝛiſon, & luy cõpel de faire aſr̃ eſtaꝫ m̃chant a luy, ou aſr̃ releaz ou acquitance, il auera bꝛieue de Treſpas pur cel &c. et le bꝛieue reheart. le matter, & le deteigñ in pꝛiſon tanꝯ &c.

D ¶ Et ſi home ad ſwꝛeck de mere p̃ pꝛeſcipr̃ ou p̃ graunt le Roy en ſa tre &c. ſi les bñs ſont ſwꝛeck la, & auꝫ eux p̃ſt, cẽy q̃ ad la ſwꝛeck aña bꝛieue de Trñs, Quare vi & armis pur ceſt pꝛis ſans aſr̃ ſeiſier de eux deuant. Et le bꝛief eſt tiel.

¶ Oſtenſur̃ quare cum idẽ Th. dñs mañij de Eſton Bauent exiſtat, & ibm̃ habere debeat, ipſeque & anteceſſores ſui dñi mañij p̃d̃ à tẽpore quo non extat memoria hucuſq; habere conſueuerunt wreccũ maris infra p̃cinr̃ mañij p̃dict̃: p̃dict̃ Ioceus & Robert̃ bona & catalla ad valenc' C.s. apud S. infra p̃cinct' eiuſdem manerij ad terr̃ p̃iecta, & ad ipſum Th. tanquam wrecc' p̃tiñ deberent, vi & armis ceperunt & aſportauerunt &c. *vel ſic*, decem libr̃ in pecunia &c. *vel*, quare cum per chartam &c. habere debeat &c.

G ¶ Si home maunꝺ ſon ſeruant de p̃nꝺꝛe ſon bill̃, & le ducer a luy, & le ſeruant pꝛiſt le villein, & en ameſnant luy a ſon maſter, auꝫ home luy reſcue del ſeruant, & luy p̃mit daler a large, le maſter aña bꝛief de Trñs pur ceſt reſcous, & nemy le ſeruant, car le toꝛt eſt fait al maſter &c.

F ¶ Si Abbe ou auꝫ home ad vn hunꝺ, & ont Catall' felon̄ &c. deins le hunꝺ &c. ſi aſr̃ felon deins le hunꝺ ſoit attaint, & le Mr̃ pꝛiſt les bñs del felon deins l' hunꝺ, la ceſty q̃ ad le hunꝺ & tiel libertie aña bꝛieue de Trñs vers le Mr̃ pur ceux bñs q̃ le Mr̃ pꝛiſt &c. quare vi & armis &c.

¶ Et ſi alē Abbe ou auē pſon deuēt aū toll en alē lieu, & mitte ſon ſeruant de pndē le toll, & auē diſturbe le ſeruāt de pndē tiel toll, Labbe ou ceſty q̄ deuēt aū le toll aūs general bꝛiefe de Trīs, Quare vi et arm̄ ils aſſault ſon ſeruant, & luy diſturbe a pndē le toll ꝛc. Et le bꝛief eſt tiel. Quare cum idē Abbas p̄ carē ꝓgenitoꝝ noſtꝝ p̄d̄ quondā regū Angl', habere debeat Theoloniū de rebus venalibus ad villā de S. venientibus, ijdem R. et I. in S. ſeruientē ipſius Abbatis p̄ ipſum ad hm̄odi Theolonium in villa p̄d̄ colligend' deputatē, vi et arm̄ inſultum feceꝝ, et ipſum quo minus hm̄odi Theoloniū colligere & percipere potuit impediueꝝ, et q̄d̄ catall' p̄ ipſum S. p̄ hm̄odi Theolonio nomine diſtrictionis ibm̄ capta et attachiata, eidem S. abſtuleꝝ, ꝓ q̄d̄ idem Abbas ꝓfic' de hm̄odi Theolonio ꝓueniens p̄ magnum tempus amiſit. Et alia &c.

¶ Et iſſint ſi home deuēt auer toll en Fayze ꝛc. et ſes ſeruants ſont diſturbes de pndēr cel, il auera ſemblable action pur aſſault de ſes ſeruants, & pur le perdue de lour ſeruice, & pur le diſturbance fait a eux, & pur le perdue des ꝓfits de ſon toll, & tout en vn bꝛiefe.

Ꝟ ¶ Et ſi home ad vn faldē en common oue ij. auꝛs homes, & les ij. auꝛs homes luy diſturbe d' erect' ſes pales ou claues, & eux enfreindē, il aūa bꝛiefe de Trīs vers eux en tiel foꝛme, Quare vi et arm̄, *ſic*: Si Prioriſſa de T. fecerit &c. tunc pone &c. E. &c. oſtenſ. quare cum ead' Prioriſſa quandā faldā apd̄ F. ſimul cum p̄d̄ E. ac M. de B. habere debeat, ipſaq; Prioriſſa et eius p̄deceſſ. hm̄odi faldam cum p̄f. E. et M. et eorum anteceſſ. à tempore quo non extat memoria ſemper hucuſq; habere conſueuerē, p̄d̄ E. claias et palos ipſius Prioriſſæ in falda eorund' Prioriſſæ, E. et M. apd̄ dictam villam de F. nup erectē poſitos, vi et arm̄ fregit, et ipſam Prioriſſam quo minus claias et palos in falda p̄d̄, ꝓut ad ipſam pertinuit ponere, vel aliquod commodum de falda illa percipere potuit, impediuit, et alia &c.

Ꝟ ¶ Home aucra bꝛiefe de Trīs de ſon appꝛentice pꝛis, ou de pꝛiel de ſon ſeruant.

Ꝟ ¶ Et gardeins del Eſgliſe aueē bꝛief de Treſpas des bīs de l'Eſgliſe pꝛiſes ꝛc. en lour temps demeſne, ou en temps de lour pꝛedeceſſoꝝs.

Ꝟ ¶ Et hōe poit aū bꝛief de Trīs de meaſ. ou cloſe debꝛuſe, & allege continuance del trīs de cel debꝛuſer de tiel iour tang; a tiel iour ꝛc. en le bꝛiefe, cybꝰ come il puit de puer de ſes herbes, ou faucher de ſes bleēs ꝛc.

Ꝟ ¶ Et Lꝛdinary aūa bꝛiefe de Treſpas p̄ ceux biens, q̄ux

il

il ad come ordinar̃ de adminiſter, lou home deuy inteſtate & les biens ſont priſes hors de ſon poſſ. il auera action de Trńs pur ceſt priſel. Mez il naũa acẽ de Treſpas pur biens priſes hors de poſſ. de ceſty que deuy inteſtate, mes ladminiſt aũa tiel acẽ de Trńs car ordinary nauera action pur biens ou dets de ceſty que deuy inteſtat, mes ſoleñt iacẽ de Trńs de priſel des bñs hors de ſon poſſ. demeine. Et le proces en ceſt brieue de Trńs eſt Attach & Diſtr̃: & ſi le bir̃ ret al Attach. ou al Diſtr̃ Nihil, donque il auera Caſ, Al', & *Pluſ* & Exigent, & iſſint proẽ outlagary.

¶ Et ſi le roy grant ptecẽ a vn hõr, p q̃l ptection il priſt iuy & tout ſes tres & bñs en ſa ptecẽ cõe le cõmõ courſe et form̃ des ptections ſont: ore ſi auk home aps pſt ſes bñs, ou enk ſur ſa poſſ. en aſcun tres ou teñts duẽ le temps que le ptecẽ eſtoit en ſa force, il aueẽ eſpecẽ bre de Trńs vs iuy in tiel forme. Oſtenſ. quare cũ nuper ſuſceperimus in ꝓtec' et defenſione nr̃am A. hoĩes, tras, res, reddit, et oẽs poſſeſſiones ſuas, oĩbus et ſingulis inhibent, ne quis eis iniuriam, moleſtiam, damnum inferret ſeu grauamẽ, id' B. bona et catal' ꝓd' A. dum ſub ꝓtecc' nr̃a fuit apud N. inuent̃ ad valent̃ cent̃ libr̃, vi et arm̃ cepit et aſportauit, et in hoĩes &c. per qd' &c. Et alia &c. ad graue damnum ipſius A. et contra pac̃ nr̃am. Et hẽas ibi nomina pleg. et hoc br̃e, Teſte &c. A

¶ Et auxi ceſty q̃ ad le prot̃ecẽ le roy, ſi aſẽ home priſt ſes bñs, ou enk en ſa tre &c. ou bak ſes ſeruants &c. il auera eſpecial brief al vir̃ denquirer de eux, & de certifier ẽ deuãt le roy &c. Et il ſemble que le roy ferra ꝓces vs eux p Venire fac' come ſur indictm̃t, & q̃ ils ferra ſinc iur ceo. Et ie brefe eſt tiel. B

¶ Rex vic' Linc' ſaluẽ. Precipmus tibi qd' p ſacrament̃ ꝓborũ et legal' hoĩm de com̃ tuo, per quos &c. diligent̃ inquitas, q̃ malefactor et pacis nr̃e perturbat̃, bona et catal' A. ad valentiam cent̃ libr̃ apud N. inuenta, quem ſuſcepimus in defenſionem noſtram ſpecialem, homines, res, reddit̃us et oẽs poſſ. ſuas, oĩbus et ſingulis inhibentes, ne quis eis iniuriam, moleſtiam, damnum inferret ſeu grauamen, vi et arm̃ cepeṙ et aſportaueṙ et in homines ſuos ibid̃ exiſtentes inſultũ feceṙ, et ipſos verbauerunt &c. Et alia &c. ad graue damnum ipſius A contra protecc' nr̃am prad', et contra pacem noſtram, et inquiſitionem inde diſtinct̃ et aperte factam, nobis ſub ſigillo tuo et ſigillis eorum, per quos facta fuerit, ſine dilatione mittas et hoc breue. C

¶ Mes nota, q̃ est vn estatute fait An̄ 28.E.3.ca.6.que voit, que nul cõmission ou bzieue soit deloze graunt al bzr denquire &c. Mes si tiel bzieue ou cõmission soit graunt &c. Quære sil soit bon: & semble que non, car cest estatute est fait solem̄t a lyer a Roy que il ne granter̄ &c.

nota. D ¶ Et est auter bzieue de sœno in prato ꝓstrat̄ & depasto. Et aut̄ bzieue de clauso, ostijs, & fenestris fract̄ &c.

47 ¶ Breue de Trespas sur le case.

E ESt aut̄ sozme de bzief de Trespas sur le case, q̃ est destre sue en common bank, ou banke le Roy, & en cest bzieue il ne dirra Vi & armis &c. mes en le fine del bzieue il dirra, contra pacem &c. et le sozme est tiel.

¶ Rex Vic' &c. Si Matilda de D. &c. tunc pone &c. qd̄ sit &c. ad respõdend̄ tam nobis quam Matildæ quare cum eadem Matilda nuper quoddam breue nr̄m de Prohibitione versus pręf. I. ne ipsa placitum in cur̄ christianitatis de catallis et de debitis, quæ non de testamento vel matrimonio sequeretur in curia nostra impetrasset, eademque Matilda dictum breue nr̄m præf. I. apud C. liberasset, idē I. recepto dicto br̄i nostro, illud ibidem in luto proiecit, et pedibus suis conculcauit, necnon placitum præd̄ sequutus est in eadem curia christianitatis in nostri contempt̄, et ipsius Matildæ graue damnum, ac contra pacem nostram. Et habeas &c.

F ¶ Auter bzieue, Quare in aqua de Pliñ, ꝑ quam inter Humber et Gaunt nauium et batellorũ communis est transitus, ex transuerso aquæ pilos defixit, per qd' quedam nauis cũ triginta quarterijs brasij ipsius W. subm̃sa fuit, & viginti quarteria brasij pretij C.s'. deperier̄. Et alia enormia &c.

G ¶ Si le iesoz ouste les executozs le iesse de lour term̄, ils aueront especiall bzieue sur leur cas vers le iesoz, & le bzieue serra ꝑ Sum &c. et nemy ꝑ Pone ꝑ vad' et saluos pleg' come aut̄ bzieue de Trñs est. Et le sozme est tiel.

¶ Si Iohañ executrix testam̃ti E. de C. fecerit te &c. tũc sum̃ &c. P. et M. ostens. &c. quare cũ idē P. et M. vnũ molendinũ et sex acras tr̄ę cũ ptiñ in N. præf. E. de C. ad terminũ qui nondũ ꝓterijt dimisissent, et idē E. de C. in testam̃to suo ꝑd̄ molendinũ et tras, vsque ad finē t̄mini ꝑd', ꝑd' executrici ad executionē testam̃ti ꝑdicti inde faciēd̄ legasset, ꝑd' P. et M. post mortē ipsius E. de C. ꝑd' molend' et tras (durante termino ꝑd') ingressi ea ꝑd' executrici detinent mius iustè, in retardationē executionꝫ testam̃ti ꝑd', vt dic'. Et habeas &c.

¶ Si

¶ Si le bꝛ̄ pꝛiſt hõe ſur Caſ a luy direct, ſue ſur ſtatute marchant, & puis luy mitte alarge, ceſty que ſue le Capias aũa bꝛiefe de Trñs vꝰ le bꝛ̄ ſur ſon cas, que eſt tiel.

¶ Rex Coronatoribus ſalutem. Si A. fecerit &c. tunc ponite &c. vic' nr̄m Suff. qd' ſit &c. oſtenſ. quare R. mercatorem nup per bꝛ̄e nr̄m eidē vic' directū, ꝓtextu cuiuſdam recognitionis centū marcarū eidē A. per præf. R. iuxta formam ſtatuti apud Acton Burnel nup ꝯditi, facꝯ, capꝯ et in cuſtod' eiuſdē vic' apud O. exiſtēn, præf. A. de ꝓd' centum marcis minimè ſatisfacto, contra voluntatem ipſius A. libere abire ꝓmiſit, ad graue damnum ipſius A. et in retardationem executionis recogn̄ ꝓdict', vt dicit. Et habeatis &c. A

¶ Et ſi le bꝛ̄ ē bꝛief Daceomp, ou en Det, retoꝛne ſur vn quod non eſt inuentus, nec habet terras &c. ꝑ qd' diſtringi poterit &c. ꝑ que Caſ eſt agarꝺ vꝰ luy, & il pꝛis ſur ceo, lou il ad tres ſuffiſ, ou bñs a chateux, dõcꝫ il aũa bꝛ̄e de Trñs ſur ſon cas vers le Viſ, direct as Coꝛoners, cõe auant &c. B

¶ Et iſſint auꝫ bꝛiefe ſi le bꝛ̄ ad vn pꝛiſoner commit a luy ꝓ det &c. & il puis luy leſſa aler alarge deuant le det ſatiſfie &c. il aũa bꝛiefe de Trñs ſur ſon caſe vers le bꝛ̄, & vncoꝛe ſēble q̄ il poit aũ bꝛiefe de Det vers le vicont. C

¶ Si hõe ſoit indict de felony deuant aſcũ Juſtice, et vn T. come vn des quarters hões del vill' a Rœue doneꝰ euidence as indictoꝛs &c. et puis ceſty q̄ eſt indict eſt acquite &c. et puis le bailie del hundꝛeꝺ ou auter miniſter &c. mõſtre al dit T. q̄ ceſty q̄ eſt acquite ad vn bꝛiefe de conſpiracie vers luy, & q̄ il ad vn Caſ de luy pꝛendꝛ, per que il luy pꝛiſt & impꝛiſon tanꝫ il ad fait fine pur ſon deliuerance as vi markes &c. il aũa bꝛiefe de Trñs ſur ſon cas. Mes il ſemble q̄ il poit aũ general action de Trñs ſur faux impꝛiſonm̄t en ſ̄ cas, ſil nad aſcun bꝛiefe a luy direct &c. D

¶ Si Repl' ſoit remoue hoꝛs de franchiſe per Pone en le cõmon bank, et puis pendant ceſt plee en cõmon bank, le bailie del franchiſe agarde retoꝛñ en le franchiſe al defendꝰ, per q̄ il pꝛiſt les beaſts, & eux impoundꝰ, ꝑ q̄ aſcuns deuieꝰ pur default de ſuſtenãce: oꝛe le pty greeuc aũa bꝛ̄ de Trñs ſur le cas vers le bailie del franchiſe, q̄ agarde ceſt retoꝛñ, & teneꝰ plee apꝛes le parol remoue en le bank. E

¶ Et ſi home attach auter, ou ſes bñs ꝓ det &c. en franchiſe, & puis le bailie per couin enter luy & le def. fait a diſcontiñ le pleint, deliuer les bñs attaches al def. le pl aũa action de Trñs ſur ſon cas vꝰ le bailie. Et le bꝛ̄ eſt tiel. F

¶ Si

¶Si A fecerit &c. tunc ſum̃ I. balliuũ magne cur̃ ſiue mercati de N. quod ſit &c. oſtenſ. quare cũ idem ball' ad queremoniã præd' A.B. per quedã catall' ſua ad reſpondend' præf. A. in cur̃ prædict̃ ſcd'm legẽ mercatoriã prout moris eſt, in regno nr̃o Angl' de debito decem librarum, quod idẽ A. de præf. B. exigit, attachiaſſet, ac in loquela prædict̃ in eadem cur̃ inter partes prædict', qd' ſe in inquiſitionẽ inde poluer̃, in tantum ꝓceſſum fuiſſet, prædict̃ balliuus pendẽte coram eo inquiſitione prædict̃ ꝓ colluſ. inter iſpũ et præfatũ B. habitam in cur̃ prędict̃, malicioſe receſſit, & inquiſitionem p̃d̃ capere recuſauit, per qd' placitum p̃d̃ extitit diſcontinuat̃, idemque balliuus catalla p̃d' eidẽ B. pręf. A. de debito p̃d̃ non ſatiſfact', poſtmodum liberauit, ad damnum ipſius A. viginti librarum, vt dicit̃ &c.

G ¶Et home aũa action de Treſpas ſur le caſe vers ſon vicin, q̃ ad terres enter luy & la mere, & q̃ deuer̃ faire certein ripes, & moũd certeine foſſes & ſewers enter luy et la mere, & il ne fait ne eſcower ceux come il deuer̃, per q̃ ſes terres ſont ſurroundes &c. il aũa bꝛiefe de Treſpas ſur ſon cas pur ceſt non ſefans ou mounder &c.

H ¶Et ſi hõe ſoit cõmit al gaole pur det ou arrerages de accõpt, & le gaoler de ſon malice purpenſe mitter̃ ſur luy tant des ferres, ou luy mit en cipes, & luy ſuſtreit ſuſtenãce, ꝓ q̃ il ou ſon cher a tant exuſt, q̃ il deuient decreput, ou dauter infirmitie, il aũa bꝛiefe ſur ſon cas vs le gooler.

¶Et ſi home diſtr̃ aſcun Pꝛior ou aut̃ ꝓlate, quant il eſt en ſon iourney equitant ꝓ ſon chiual, ſur quel il chiuauche, pur, ou ſur aſcun contract, det, ou treſpas fait due per luy ou ſon pꝛedeceſſoꝛ, quant il poit auer diſtr̃ ou attache auters chatels de meſm̃ le pꝛioꝛ ou pꝛelate, vꝫ il aũa bꝛiefe ſur ſon caſe que eſt ici.

I ¶Si A. prior &c. pone B. &c. oſtenſ quare cum non liceat alicui ꝓlatũ, magnatẽ, ſeu aliquam ꝓſonam Eccleſiaſtic' regni nr̃i per idem regnũ alicubi tranſeuntem, occaſione alicuius contractus ſeu debiti, per equitaturã ſuam ꝓpriam diſtringere, cũ alia aueria ſeu catalla ibidẽ habeat, ꝓ que rationabilis diſtrictio ſuper ipm fieri valeat: præd' B. p̃f. priorem per villã de C. tranſeunt̃ occaſione cuiuſdam contractus int̃ S. quondam priorẽ de &c. p̃deceſſorem p̃d̃ prioris, et prædict̃ B. dudũ vt dicit̃, per quendã equum palefridũ ſuũ, quanquã per alia aueria et catalla tunc ibid. rationabilẽ diſtrictionẽ ſuper ipm fac' potuiſſet, diſtrinxit, et palefridũ illũ diu mali-

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cioſe detinuit, per qđ negotia ſua ardua, p quibus tranſitum ſuum p̄dict̄ fecerat perierunt, et alia &c.

¶ Et ſi home p̄miſe & aſſumc ſur luy de faire a vn auter certein charets p̄ cariage, ou auꝰ choſe, & p̄uſt pcel del mony pur ꝰ faire deuant maine, & puis il ne ꝰ fait accoꝛd̄ a ſon aſſume ou p̄miſe, lauꝰ aña bꝛief de Trñs ſur ſon caſe, & le bꝛief ſerra tiel. ¶Si W.&c.tunc pone I.&c.oſtenſ.quare cum idem I. tres currus pro victualibus et Cerueſijs ipſius W. ad partes tranſmarinas ducend' p̄ certa pecuniæ ſumma, vnam p̄tem præmanibus recepit, infra certum termiñ inter eos concord' facere et fabricare apud S. aſſumpſiſſet: idem I. curꝝ p̄đ infra terminum p̄đ facere et fabricare non curauit, p qđ idem W. diuerſa bona et catalla ſua ad valenc' centum marc', quæ in curribus p̄đ duci debuiſſent, p defect' curꝝ p̄đ totaliꝰ amiſit, ad graue dampñ ipſius W. vt dicit̄, et habeas &c.

¶ Et ſi home ſoit harbour ou lodge en aſt̄ hoſterie, & aſt̄ de ſes bñs ſont p̄ꝛiſes de illonq̄s per eſtrange pſon, il aña bꝛief de Trñs ſur ſon cas vers ihoſtler, & le bꝛief ſerra tiel.

¶Rex Vic' &c. Si A. fecerit &c. tunc pone &c. B. qđ ſit &c. oſtenſ.&c.quare cum ſcđm legem et conſuet̄ regni nr̄i Angl' hoſpitatores, qui hoſpitia coīa tenent ad hoſpitand' hoīes p partes, vel hm̄odi hoſpitia exiſtunt tranſeuntes et in eiſdem hoſpitantes, eoꝝ bona infra hoſpitia illa exiſtentia abſq; ſubſtractione cuſtodire die ac nocte tenentur: ita qđ p defectu ipſoꝝ hoſpitatoꝝ ſeu ſeruientiū ſuoꝝ hoſpitibus hm̄odi dampñ non eueniat vllo modo: quidā malefactores quendā equum ipſius A. p̄cij xl.s. infra hoſpitium eiuſd' B. apud S. hoſpitati inuent̄ p defectu ipſius B. ceper̄ et abduxer̄, et alia enormia, ad graue dampñ &c. Et habeas &c. Teſte &c.

¶ Et ſi home vend̄ vn chiual al auꝰ, & luy garrant deſtre ſane & bone &c. ſi le chiual ſoit impotent ou maladie, q̄ il ne poit labozer &c. il aña bꝛief de Treſpas ſur ſon caſe vs luy.

¶Et iſſint ſi home bargaine & vend̄ a vn certeine ppres de vine, & eur garrant deſtre bone &c. & ils ſont coꝛrupts, il auera bꝛiefe de Treſpas ſur ſon caſe vers luy.

¶Mes Nota que il conient q̄ il garrant ceo deſtre bon, & le chiual deſtre ſane, autermẽt il nauera action: Car ſi il vend̄ le vine ou chiual ſanz tiel garrantie, lauꝰ a ſon peril doit luy achater, & ſes oiels & ſon guſte deuer̄ eſtr̄ ſon iudge en ceo caſe.

¶Mes ſi vn Smith cloy mon chiual oue vn clauc &c. ieo auera bꝛiefe de Treſpas ſur mon caſe ſans aſt̄ garꝝ fait per

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le smith pur ceo faire duement &c. Et le briefe serra tiel, Quare quendã clauũ in vnum pedis cuiusdã equi I. apud N. fixit, ꝑ qđ putridus deuenit, sic qđ idẽ equus ꝑ magñ temp' laborare non potuit, et idẽ I. ꝓfic' equi sui põđ ꝑ idẽ tempus amisit, ad dampñ &c. car il est le duitie de cheſ artificer de faire ſ art duemt & veremt come il deuẽ.

E ¶ Et ſi le Viẽ ou southuiẽ distẽ ascũ Parsõs, ou Vicars, ou espiritual plons ẽ lour fres, dõt lour esgl' sont possessed, ils auer briefe de Trñs sur lour case en tiel forme vbs le Viẽ. ¶ Rex &c. Si A. ꝑsona Eccleſiæ de C. fecerit &c. tunc pone &c. B. Vic' nr̃um Somerſ. et C. ſubuic' nr̃um eiuſdem Com̃, qđ ſint &c. oſtenſ. quare cũ in Articulis cleri regñ nr̃i ꝑ dñm E. nup Regis Angl' ꝓgenitor̃ nr̃um conceſſis inꝯ alia contineaꝫ, ne miniſtri nr̃i, vt Vic', aut alij cap̃ animalia rector̃ Eccleſiarũ ꝓ diſtrictionibus aliquibus in via regia, nec in feođ in quibus Eccleſiæ illæ olim fuer̃ dotate, põđ Vic' et ſubuic' aueria põđ A. apud L. in feodo ipſius A. Eccleſię ſuę põđ de quo eadem Eccleſia olim dotata fuit cepeꝛ̃, & ea abinde vſque S. duxerunt, et imparcauerunt, et ea imparcata ibidẽ diu detinueꝛ̃, contra legem & conſuet̃ regni nr̃i, & contra form̃ articulorum põđ, & contra pacem nr̃am. Et habeas &c.

F ¶ Si home deũ estre quite de toll' ꝑ luy, ſes t̃s, & homes en cheſ̃ market & faire &c. oꝛe ſi aſcun officer ou baily ꝓſt toll' de luy, ou de ſes t̃s, ou hões, il de q̃ le tolle eſt ꝓſe, aũa briefe de Trñs ſur ſon caſe vers luy pur le ꝓſel de cel tolle, ou poit auer general briefe de Trñs vers luy q̃ ꝓſt le tolle, ou distẽ ſes bñs pur tolle. Et auxy il poit aũ briefe hoꝛs del Chancerie direct as bailifes ou tiels officers, q̃ ils eux ſuffer deſtre quite de tolle &c. & poit aũ Al' & Pluꝛ̃ & Attachm̃t ſur t̃ vers les bailifes ou officers, ſils ne obey tiels briefes. Et le Pluries ſerra retoꝛnable en bank le Roy, ou en common bank.

G ¶ Si home ad manoꝛ deins aſcun honoꝛ, & ad eẅe per preſcription vieẅ de frankpledge deins ſon manoꝛ de ſes tenants &c. oꝛe ſi il ou ſes tenants ſont diſtraine per le ſñr del honoꝛ de vener al Læte del honoꝛ, & de preſenter la les choſes q̃ deuer estre p̃ſentes deins le vieẅ de frankpledge del manoꝛ: Oꝛe ceſty q̃ eſt iſſint diſtraine, poit auer general briefe de Treſpas pur cel ꝓſel, ou poit auer eſpeciall briefe direct as bailies ou officers del honoꝛ, reheaꝛſant tout le matter, eux commaundant q̃ ils ſuffer le ſeignioꝛ del manoꝛ de aũ & tener ſon Læte de ſes tenants &c. come il ad vſe

vle de faire, & q̃ ils ne distr̃ luy ne les tents del man a ven al Lẽt del honor, a pl̃ent alr̃ chose q̃ deuer̃ estre pl̃ent en le Lẽt del man &c. Et auxy compzehendant en m̃ le bzeue q̃ sils auera pl̃e alr̃ distr̃ pur cel cause des tents del man, q̃ il adonqz relieuer̃ cel &c. Et sur ceo il poit auer Alias & Pluz & Attach. vers eux, sils ne obey les bzeues auantdits. ¶ Et auxy si home ad ewe vn gorz en le ewe, & ad estr̃ vle, q̃ nul leu ou ferr̃ aut gorz ẽ ceo ewe ent̃ le gorz cẽy & le gorz W. orz si aut̃ fait ou leuie aut̃ gorz meln̄ ent̃ eux, il a vn bziel de Trns sur s case en tiel forme. ¶ Si A. persona Ecclesiæ de C. fecerit &c. tunc pone &c. R. de T. &c. quare cũ idẽ A. habere debeat, ipseq; et pdecessl. sui pson Eccl' pd̃ à tẽpore quo non extat memor̃ semp̃ hacten⁹ haber̃ consl. quend' gurgit̃ in aqua de W. in B. ita qd̃ in ead' aqua int̃ gurgit̃ ipsius A. et gurgit̃ S. de E. dn̄i man de H. nullus aliquẽ gurgitẽ leuare, palos seu claias figer̃, aut retia aliqua p̃ piscem inibi cap̃ ponere debeat, seu consl. aliquibus temporibus retroactis: idẽ R. claias et palos int̃ gurgit̃ pd̃ A. et S. in ead' aqua fixit, et retia p̃ piscem inibi capiend' posuit et ibidem piscatus fuit, et piscẽ inde cepit et asport̃, p̃ qd̃ idẽ A. p̃fic' gurgitis pd̃ ad valenc' C. s. amisit, et al' &c. Et habeas &c. A

¶ Et si home ad liberty de retorn̄ bziefs & de executer eux &c. si le Vic̃ ent̃ le liberty ou son office, et execut alr̃ p̃cepta, le sr̃ del liberty a vn bzeue de Trespas sur son case vers luy, & ceux bziefes appeer̃ en le Regist̃. B

¶ Si home soit troue en arrerages deuant auditorz, p q̃ les auditorz luy commit al gaole, & puis il escape de ceo: orz le gaolor doit payer al partie le summe dargent q̃ fuit aret̃ sur laccompt. Et le gaolor a vn bzeue sur son case vers cesty q̃ escape, a respond̃ al Roy de escape, & al gaolor de les damages que il ad sustaine. Et le forme del bzeue est tiel. ¶ Rex Vic' &c. Ex graui quærela A. accepimus, quod cum B. compotum suum de tempore quo fuit balliuus C. in N. eidem C. infra libertat̃ de K. nup reddiderit. Et idem B. pro arreragijs compoti illius p̃ auditores eiusdem compoti postmodum arrestatus, et pdict̃ A. custod' gaol' nr̃æ libertat̃ prædict̃ liberatus fuit, in eadem gaola custodiend' quousque pd̃ C. de arreragijs prædictis iuxta formam statuti de hm̃odi receptoribus et balliuis p̃ uisi plene satisfaceret, prædictus B. a custodia pdict̃ A, prædicto C. de arreragis prædict̃ non satisfacto, contra pacem nostr̃ euasit, occasione cuius euasion̄ idem A. præfato C. de arreragijs illis iuxta formam statuti C

prædicti

prædicti plene ſatisfecerit, in ipſius A. dampñ non modicum et grauamen. Et quia tranſgr̃ illam, ſi talit̃ perpetrata fuerit, relinquere noluimus impunitã. Tibi ſ̃cipimus, quod ſi ſ̃dict̃ A. fecerit te ſecur̃, tunc ſ̃dict̃ B. per corpus ſuum attachies, ita qd' eum habeas corã nobis &c. ad rñdend' nobis de euaſione ſ̃dict̃, et ſ̃dict̃ A. de dampnis quę ſuſtinuit occaſione euaſionis illius. Et habeas ibi hoc breue &c.

¶ Et ſi hõe lude oue aũs al dices, & il ad faux dices oue q̃ux il lude & gaine largent des aũs p̃ ceux faux dices: cẽy q̃ perõ lon argent poit aũ act̃ ſur ſon caſe pur ceſt faux diſceit, & le forme del briefe eſt tiel.

¶ Rex Vic' &c. Si A. fecerit &c. tunc pone &c. T. de D. &c. qd' ſit &c. oſtenſ. quare cum idẽ T. de D. machinans ipſum A. ſubdole defraudare, et diuſas pecuniar̃ ſummas de eod' A. extorquer̃, eund' A. ad ludend' ad talos cum ip̃o T. ad quendam iocum vocat̃ le Dozen, p̃ diuerſ. pecuniar̃ ſummis ap̃d Burton ſup̃ Trent, excitaſſet et p̃curaſſet, ac idẽ A cum ipſo T. ad talos ad iocum p̃d̃ ibid' luſiſſet, p̃d̃ T. quoſdã talos veracit̃ titulat̃ eidẽ A. tradidit ad iactandũ, et cum tali p̃d̃ ad manus ipſius T. deuenire contigiſſent, idẽ T. quoſd' alios talos falſos et ſubdole titulatos, quos numerũ duodenarium, et nõ alium quolibet iactu attingere ſciuiſſet, falſo et fraudulenter p̃iecit, p̃ qd' idem A. magnas pecuñ ſummas eid' T. ad iocum illum amiſit, ac idẽ T. ſummas illas ſub colore lucri falſo et deceptiue cepit et aſportauit, ad dampnum ipſius A. C.s. vt dic', et habeas ibi nomina pleg', et hoc br̃e, T. &c. **Et cẽ briefe fuit ſue** Añ 5. E. 4. qd' vide **en le** Regiſter, fol. 240.

¶ Et coñt q̃ le def. ne entice le pl̃ de luder, vnt̃ ſi le def. lude oue tiels faux dices &c. p̃ q̃ux il gaine largent le pl̃, il ſemble q̃ le pl̃ maint̃ ſon act̃ bien, pur ceo q̃ lexcitat̃ neſt le cauſe del action, mes le teſter de les faux dices &c. p̃ q̃ux il gaigner le money &c.

¶ Briefe de Diſceit.

¶ BRiefe de Diſceit giſt come appiert per Nat. bre. **Et giſt p̃ropert̃nt ou aſt̃ home fait aſt̃ choſe en noſñ dun aut̃, per que laut̃ perſon eſt endammage & diceiue, donq̃s ceſtuy que eſt iſſint endammage auera ceſt briefe. Et le briefe eſt ſans ceux paroix vi et armis. Et le briefe eſt tiel.**

¶ Rex Vic' Lincolñ ſalut̃, Si A. feceri &c. tunc pone &c. B. &c. ad rñd' tam nobis quã p̃fat̃ A. quare quodd' breue nr̃um

per

per fin xx.s.ad opus nr̄m p br̄e p̄d' capiend' noīe p̄d' A. hoc penitus ignorant, fraudulent et malicioſe in Cancellar̄ nr̄a impetrauit, in deceptiõ cur̄ nr̄æ, ad graue damnum ipſius A. et habeas ibi nomina pleg. et hoc breue &c.

¶ Per q̄ appiert, ſi home purchaſe briefe en mon noſm̄, p quel briefe ieo doy faire fine en Chancerie, come le courſe eſt la pur cheſt̄ briefe de det de ſum de xl.li.& pluis, de paier pur cheſt̄ br̄e de xl.li.vj.s.viij.d.& ſil ſoit de cent m̄ks vj.s. viij.d.& iſſint pur cheſt̄ cent markes vj.s.viij.d. Et iſſint pur cheſt̄ briefe de pl' d' tre q̄ eſt Pr̄ qd' redd', ſil ne ſoit br̄ d' droit patent, pur cheſt̄ briefe que eſt de annuel value de v. markes vj s.viij.d.&c.& iſſint ſolonq̄ le rate. Et donque ſi home purchaſe tiel briefe en mon noſme,& ieo nient ſciant d' t̄, iauera tiel briefe de diſceit.

¶ Et ſi ieo preſent a vn Eſgl' a q̄l ieo ſue patrõ al Or- A
dinarie,& vn T. moy diſturbe, per que vn auter purchaſe Quare imp̄ en mon noſme retornabl' en common bank, ieo nient ſachant de ceo vers le dit T.& puis cauſe le br̄ deſtre abate, ou moy deſtre nonſue en ceſt briefe, ore ieo auera br̄e de Diſceit vers ceſty q̄ purchaſe ceſt briefe &c.

¶ Si home forge vn ſtatute merchant en mon noſme,& B
ſue vn Capias ſur cel, per q̄ ieo ſue priſe, ieo auera briefe de Diſceit vs ceſty q̄ forge t̄,& ceſty q̄ ſue le Cap̄ &c.

¶ Si Prior ou Abbe ad title d' preſent a vn Vicarage, C
dont ils ſont plons enplonez, aſcun clerke ſeculer ou reguler a lour volunt, & puis auter plon forge vn graunt en noſme Labbe ou Prior ſouth lour couent ſeale, q̄ ils grãt a vn des paroch.&c. q̄ ils preſent vn ſeculer &c.& nemy reguler, come Canon, ou tiel &c. ore ceſty Prior ou Abbe a͡ua briefe de Diſceit,& la forme ſerra tiel.

¶ Si Prior Bartholomei de ſuburb. Lond' &c. ponite W. et B. &c. quod ſint coram nobis &c. in octauis ſancti Martini vbicunq; &c. oſtenſ. quare quum idem Prior perſonam ſecularem vel regularem idoneam ad vicariam ſancti Sepulchri extra muros Lond', quam q̄dem eccleſiam idem Prior tenet in proprios vſus, p voluntate ſua preſentare debeat, et hactenus conſueuit, prædict' W. et B. colluſione inter eos prelocuta, prædict' Priorem malitioſe pregrauare machinantes, ſigillum coīe prioratus prædicti contrafecerunt, et quaſdam literas patentes, per quas prædeceſſor̄ præd' prioris conceſſiſſe debuer̄, idem Prior & Cõuent' loci p̄d' pſon̄ ſecularem & non alium ad vicariam illam preſentare debe-

rent,

rent,cum eod' ſigillo contrafacto conſignari fec', et literas illas ſigillo predicto conſignatas in quadam cauſa ad inſtantiam ipſius W. tunc ꝑochiañ eccleſiæ p̄d' inter ipſum W. & p̄ſ. Priorem coram Officiali cur̄ Cantuar̄ Chriſtianitatis ſuper motione fratris R. de F. canonic' pred' Prior̄ ad p̄ſentac' ſuam ad vicar̄ prædictam per Eꝑm Lond' admiſſi mote exhibuer̄, et ip̄m Prior̄ labor̄ & expenſis virtute literarum p̄d' diuerſimode in hac ꝑte fatigari ꝓcurar̄, in ipſius Prioris diſpend' non modicum et grauamen. Et habeas ibi nomina plegior̄,& hoc breue &c.

¶ Et ſi home fait attorney en plee real vs dūant, & puis per collusion ent̄ le attorney et le dūant lattorney fait default, ꝓ q̄ la terre eſt perd̄: oze le t̄ q̄ perdue la tre aū brieſe de Diſceit vs lattorney, & le brieſe ſerra tiel.

¶ Oſtenſ quare quum idem A. p̄ſ. R. in loq̄la que fuit corā eiſd' Iuſtic' nr̄is ꝑ br̄e nr̄m, int̄ K. petent̄, et p̄ſ. tenent̄, de xx. ac̄ terræ cum ꝑtiñ in C. attorñ ſuū corā nobis feciſſet ad lucrandū vel pdend' in loq̄la p̄dict' p̄ſ. B. colluſione inter ip̄m et p̄d' R. habita, ſe ad quend' diem ꝑ p̄ſ. Iuſtic' in ead' loq̄la in banco p̄d' p̄fixum gratis abſentauerit, ꝑ quod idem A. ꝑ defectu ipſius B. terram p̄d' ꝑ conſiderationem cur̄ nr̄ç amiſit, in deceptionē eiuſd' cur̄ nr̄æ, in ipſiuſq; A. graue damnū, & exheredationis periculum manifeſtum. Et habeas &c.

℄ Et ſi brieſe de Treſpas ſoit port vers pluſors, & le pl' vn J. per colluſion entr̄ eux cauſe certeine pſons venerent la court, & dire que ils ſont meſmes les def. & que ils font le dit J. lour attorney, ꝓ q̄ puis le dit J. come attorñ as defendants pleu al iſſue, & puis ſuffer lenq̄ſt paſſ. per ſon default, per q̄ le pl' recouer vs le def. Oze ceux q̄ ſont def. en fait, aueront brieſe de Diſceit vs ceſty J. q̄ appr̄ come attorney pur eux &c. Et le brieſe appiert en le Regiſter.

℄ Et iſſint ſi R. recouer en Aſſiſe vs W. certain tenements & dammages, & pur ceo q̄ le dit W. nad riens en le dit counte a leuer les dammages, le dit R. remoue le dit record del aſſiſe en banke le Roy, ou en common bank, pur ſuer proces ſur ceo, de auer execution des dits dammages recoueres, ꝓ que le dit W. a defrauder le dit R. de ſon execūc', ſue brieſe de remoū le dit record en Chancery, ſurmittant que il voile ſuer Attaint ſur ceo record deuant les Iuſtices dall &c. ꝓ q̄ lz dit record eſt remoue en Chanc', & deliuer al dit W. a porter & deliuer as Iuſt dall. ſur q̄ il poit ſuer ſon attaint: oze ſi le dit W. ne voil' ſuer lattaint, mes

delay

delay le temps de ouſte ceſtuy q̃ recou̇ de ſon execuc̃, ceſtuy R. q̃ recou̇ aũa briefe de diſceit vs luy ſur ceſt matt̃, le q̃l briefe appiert in le Regiſter. ¶ Un J. de A. ſue Precipe qd̃ A redd' vers vn C. & T. s̃ feme, q̃ux pleu̇ vn fine leuie al dit C. per vn F. & Margaret ſa femm, mere le dõt ꝛc. & le dõt dit q̃ ſa mere aũ a noſme Margerie, & nemp Margaret, & puis iour done ouſtet per le Court, a quel iour le dit C. & ſa feme p̃ſũ & cauſ vn eſtrang. a bener ẽ Court & confeſſe q̃ il eſt m̃ le perſon q̃ eſt dõt, & confeſſe le fine cõe le teñt auer ceo pleo, p q̃ le dõt eſt barre: le dõt aũa briefe de diſceit vs le dit J. & T. ſon femm, come appiert p le Regiſt. Mes il ſemble, q̃ ſi Margerie leuie fine de ſa terre p noſme de Margaret ꝛc. q̃ el & ſes heires ſerra eſtopps adire q̃ el auer auter noſme. Mes le t̃ poit pleu̇, q̃ el p noſme de Margaret conuſt le tre per fine, ꝛc. & t̃ ad eſte envũ ou feñ q̃ aũ a noſm̃ Agnes leuie fine p noſme de Anñ, & ceo agard bone, & liera luy & ſes hẽs, a ſerra pleu̇ q̃ el p noſm̃ de Anne ꝛc. con⁹ ꝛc.

¶ Si homme ſue Prec' qd' reddat vs diuers teñts, & ils purchaſe vn p̃cẽ pur vn deux, iurmatt̃ q̃ il eſt ale en ſeruice le Roy ouſter le mere, lou il en fait eſt demurẽ en Engl̃, & ad eſte tout temps ꝛc. per q̃ le dõt eſt delay ꝛc. Dze le dõt auera briefe de diſceit vers les teñts pur ceo delay, & le briefe ſerra tiel. B

¶ Si A. fecerit &c. tunc pone B. & C. &c. qd' ſint coram &c. ad reſpondend' tam nobis quam A. quare cum idem A. in curia noſtra coram Iuſtic' noſtris de banco implacitaſſet p br̃e noſtrum prædictos B. & C. de tribus partibus manij de S. cum pertin̄ : ijdem B. & C. cũ nr̃æ ac legi & conſuetudini Regni noſtri Anglię manifeſte illudend' & proſecutionem prædict' A. in hac parte prorogar̃ machinando ad quendam diem partibus prædict' in eadem loquela coram præfatis Iuſtic' prefixum quaſdam literas noſtras de protectione continent̃ ipſum C. ad partes tranſmarinas in obſequio noſtro tunc profectur̃ fuiſſe, & ipſum ſic quietum eſſe de omnibus placitis & querelis, except̃ placitis de dote vnde nihil habet, & Quare impedit, ad aſſ. noue diſſeiſine, & vltime preſentationis, & attincte, & exceptis loquelis quas coram Iuſtic' noſtris itinerantibus in itineribus ſuis ſummoniri contigerit, coram præfatis Iuſtic' porrigi feceṙ, ipo C. tunc poſt & antea in Ang. continue commorante, per quod loquela illa coram p̃fatis Iuſticiarijs remanſit ſine die, in noſtri contemptum manifeſtum, & deceptionem curiæ noſtræ prædict', ac legum & conſuetud' præd' il-

luſionem manifeſtam, necnon ipſius A. diſpend' non modicū & exheredationē periculum manifeſtum. Et habeas ibi &c.

C ¶ En Præciꝑ qd' redd' ſi le viꝭ retornā le tenāt ſumm, lou il ne fuit ſumm ꝓ q̄ le t̄ perdue, per defaut ſur le grand caꝑ retornā, la terre: ore le tenāt auera briefe de Diſceit vers ceſty q̄ recouer, & vers le viꝭ put ſon faux retornā. Et p cē briefe de Diſceit, le tenāt ſerra reſtitute a ſa t̄re areꝭ. Et il ſemble q̄ le tenāt aūa cē briefe apꝛs le iudg. doñ pur le dō vers ceſty que recouer deuant alcun entre fait per le dōt vers ceſtuy que recouer deuant alꝭ entre en poſſeſſion. Car ſi le t̄ nauera briefe de diſceit tanqꝫ le demandant entre, donqꝫ per cas le demandant ne voile enter tanqꝫ que les ſumm en le Precipe qd' reddat, & les ſumm, & veiours et pernours en le grand caꝑ fueꝭ moꝛts. Et donque il naūa briefe de diſceit apꝛes lour moꝛt, car ſil fuit ſumm ou non ſerra trie ꝓ les ſumm & veiours et pernours ꝓ examinaꝭ de eux. Mes vide 3. E. 3. q̄ le tenāt naūa bꝛe de Diſceit auant q̄ le dō ad enter, tamē q̄re. Et en le bꝛe de diſceit le ꝓceſſe ſerra fait vers les ſumm et veiours et ꝓnours deſtē examiñ ſur t̄ &c. Et ſi le dōant (que recouꝛ per faux retornā del vicont) fait teſtemt del terre, donqꝫ le briefe de diſceit giſt vers t̄ dōant que recouer, & vers ſon feoffeés, et le viꝭ: et ſi le dōant q̄ recouer eſt moꝛt, et le viꝭ auxy, vnt̄ le briefe de diſceit giſt vers lheire le dōant, & ceſtuy que eſt tenant del t̄re ſi les ſumm et veiours et pernoꝛs ſont en vie mes ſi les ſumm, veiours et pernours ſont moꝛts, donque le briefe de diſceit eſt ale. Mes briefe de diſceit giſt ſi alē des ſumm, veiours ou pernours ſont en vie, car ſils diont que ils ne ficē le ſumm &c. donqꝫ le pl' en le briefe de diſceit recouer la t̄re, & ſerra reſtitute &c. car il coutent eſtre fait per ij. ſumm al meins, et ij veiours &c. Et ſi alē de eux ne ficē ceo que eſt retornā q̄ ils deueꝭ faire, dōqꝫ le briefe neſt ſeruy, come il deueꝭ eſtē ſerue, ꝓ q̄ le pl' en le briefe de diſceit deuer donque eſtre reſtitute &c.

D ¶ Et en Scire fac' ſur fin̄ de execuē ceo, ſi le viꝭ retornā le t̄ ſumm per ij ſumm &c. ſi ē ne ſoit voier, le t̄ vnt̄ ꝓ ē retornā pdē la terē, car execuē ſerra agard al dōant ſur ceo retornā, ſi le tenāt ne appiert. Et donqꝫ le t̄ auera briefe de diſceit vers le viꝭ et ceſty q̄ aueꝭ execuē et ceſty q̄ eſt t̄, et ſerra reſtitute al t̄re &c.

¶ Et iſſint ſi home ſue ſcire fac' ſur recogniſance vers det, et le viꝭ retornā le def. ſumm, lou il ne fuit ſumm, ꝓ que le pl' ad execution agard del det &c. ore le def. auera briefe de diſceit vers

vers cesty q̄ auer execuc̄ & vers l'Mic̄: & le Mic̄ serra puny per cē brieue pur son tauxim̄, & le party q̄ recou̇ serra restitution de ceo q̄ il recouer &c.

¶ Et si hō̄e ieute fine del tre en aunc̄ demesn̄ al common ley a vn auc̄, ore le sr̄ del aunc̄ demesn̄ aūa brieue de Disceit vers cesty q̄ leuy l'fin̄, & cesty q̄ est ten̄t, & p̄ c̄ il aient l'fin̄, & la cesty q̄ deuer̄ don̄ la tre, serra restit̄ a sa poss. & title q̄ il aūa done p le fine, pur c̄ q̄ le fin̄ & done per ceo est oustrem̄t aient &c. Mes si cēy q̄ leuy le fine, au̇ aps le fine rel', a cēy q̄ aūa le poss. p le fine p son fait, ou confirme son estate per son fait en le tre, donc̄ semble q̄ cesty a q̄ tiel relras ou confirmat̄ ē fait, reteinet̄ & auera le tre, nient obstant q̄ le fine soit aient, pur ceo q̄ cest rel' ou confirmat̄ fait a luy estcant en poss. fait s̄ estate firme & droiturel vers cesty & ses hēes q̄ rel' ou confirme. ¶ Si home recou̇ en brieue de Wast per def. ou le def. ne fait sum̄ &c. le def. aūa brieue de Disceit &c. & serra restitute &c. Trin̄ 9. E. 3.

¶ Et si fēe & sa baron pdue p default la tre la fēe, ore ils poyent suer brief de Disceit, & si le baron deuy, il semble q̄ la feme poet suer brieue de Disceit dest̄ restitute al tre &c. ou dau̇ Cui in vita sur lestat a son election. Et l'bē de Disceit serra direct a m̄ le Mic̄ q̄ fist le Disceit & faux rel', & nemy as coroners, come appiert Trin̄ 20 E. 3. Tamen semb' q̄ il nest erroz, si soit direct as coroners &c.

¶ Et en brief de Dis. si le Mic̄ rel' lū sum̄ moyt, bnē laut sum̄ serra examin̄ &c. Et si soit troue q̄ il ne fist le sum̄ &c. le party serē restitute a la tre. Et illint si lū retour ou pnoz ne fist ceo &c. q̄ il doit faire, le party serra restitute, pur ceo q̄ il deuer̄ estre fait p ambid̄ &c. Mes si sum̄ &c. soit fait p tiel̄. homes donc̄ cy longem̄t cō̄e deux sont ē vie, le ten̄t q̄ pdue, poet auer brieue de Disceit.

¶ Et brief de Disceit gist vers luy q̄ embeseler̄ vn brief, & auxy vers cesty q̄ procure home de embeseler vn brieue, si soit embesel' &c.

¶ Et si home bargaine oue vn auc̄ de luy enfeoffer d̄ certein tre &c. & puis il enfeoffe vn auc̄ &c. ore cēy oue q̄ il fait le bargaine, auer brieue de Disceit.

¶ Et si hō̄e recou̇ en Quare imp̄ p default &c. ore si l'def. ne fait sum̄ &c. il aūa brieue, & les sum̄ & pledg. sur lattachm̄t serra examines sur c̄, & si le Disceit soit troue, il aūa brief al Eueskz &c. pur luy.

¶ Et si brief de Det soit poyt vers deux come executors,

lou lun neſt executor, ſi ceſty q̄ neſt executor cõfeſſe laction, ceſty q̄ eſt executor auera bꝛief de Diſceit vs luy, & reconeꝫ
I tant ẽ damñ. Et ſi attornñ neſt veraīnt informñ p ſon maiſter de pleꝺ en aſſ̄ acc̄, il poet pleꝺ, quod ipſe non eſt veraciter informatus, et ideo nullum reſp &c. et ceo ſerra enter pur ſauer luy des damñ en bꝛieue de Diſceit, ſil ſoit poꝛt vers luy per ſon maiſter &c.

K ¶ Et ſi hõe bargain clothes &c. & eux garꝫ de certeine lõgure &c. ſils ne ſont de tiel longuꝫ, ceſty q̄ eux achate auera bꝛief de Diſceit vs luy p̄ ceſt garꝫ, coīt q̄ l' garꝫ ſoit p parol ſans eſcript, mes ſi l' garꝫ ſoit fait aps l' bargaine fait a auꝫ temps, donqꝫ ſemble q̄ il deu̅ eſtre fait p eſcript, autermt il nauera acc̄ ſur ceo garꝫ, car il naūa bꝛieue de Diſceit p̄ ceo, ſi le garꝫ ne ſoit fait ſur le bargain, & al temps de bargaine.

L Et le bꝛieue de Diſceit couient eſtre poꝛt en le coñ ou le Diſceit eſt ſupp̄ deſtre fait.

M ¶ Et ſi home pꝛocure vn auꝫ de ſuer action vers moy de moy vexe, ceo auera bꝛieue de Diſceit.

N ¶ Si home recouer en Pręcipe in capite p̄ default, lou les tres ne ſont tenus de Roy, ne il auer licence del ſeignioꝛ a ſuer en common bank: oꝛe le ſñr auera bꝛieue de Diſceit, et recouꝫ damñ, mes le recoueꝫ eſtoiet̄ ẽ ſon foꝛce, & le ſñr aūa ſon ſeignioꝛie, & ceſtuy q̄ recoueꝫ, tenet̄ auxy de Roy p̄ voy de eſtoppel.

O ¶ Et bꝛieue de Diſceit ſerra mainteiñ vers lattoꝛñ, & le Mr̄ pur ceo q̄ ils mitꝫ vn bꝛieue de Habere fac' ſeiſinā ſur le filas des bꝛieues le Mr̄, lou ils nauera aſcun recoꝛde de poꝛꝫ ceo &c.

P ¶ Et ſi home leuie fine de tre en-aunꝫ demeſne, & auxy de tre al common ley, le party auera bꝛieue de Diſceit pur l' tre daunꝫ demeſne, & anienꝫ le fine pur ceſt, & le fine eſtoiet̄ bon pur le terre al common ley.

Q ¶ Et ſi hõe perde terꝫ p̄ default en Præc' qꝺ redꝺ, & deuy, ſon heire auera action de Diſceit cybñ come le pere, & auet̄ reſtitution.

R ¶ Et ſi home ad execution p̄ default ſur reconuſ. en Scire fac' ſue vers vn, & ceſtuy def. deute, ſes executoꝛs aūa bꝛieue de Diſceit, & ſerra reſtoꝛ &c.

¶ Si le Diſceit ſoit troue, q̄ ioar teſtaꝫ ne fuit garny, & la les garniſhoꝛs ſerra examiñ &c.

S ¶ Et ſi home recoſi annuitie, & puis ſuiſt Scire fac' & reꝫ per default, le def. auera bꝛieue de Diſceit, ſil ne fuit garñ &c.

Et

Et le vouch. auera vſief de Diſceit, lou il perde per default, A
ſil ne fuit ſum̃ ꝛc. ¶ Et en Præc' qd' redd' vers baron & fẽe, B
al grand Caſ le baron app̃ en ꝑper perſon, & la feme appeẽ
p attorney, q̃ aueẽ garr̃, q̃ ne fuit ſuffiẽ, p q̃ iudg. fuit done
ſur le def. la feme vers le baron & ſa feme ꝛc. vnd̃ ils auera
vſiefe de Diſceit ſils ne fueẽ ſum̃ ꝛc.

¶ Et lou home perde per def. en Quare imp̃, ou en Waſt, C
il coulent q̃ les ſum̃ & les pledges ſur le Attachment, & les
mainpernors ſur le diſtr̃ ſerra exam̃, quant vſiefe de Diſceit
eſt port ſur ceo, Vide en le title de Diſceit en les Abridgem̃ts
de ceſt matter.

¶ Si hõe ſue vſief de Monſtrauit vers vn de accoũt ꝛc. D
lou il ad t̃ ſuffiẽ en auẽ com̃, p q̃ il poit eſtre ameſn̄ ẽ reſp̃
p vſief Daccompt, ceſty def. auera vſief de Diſceit vers le pl̃
q̃ ſue le Monſtrauit, quod vide H. 9. E. 2.

¶ Et ſi t̃ a terme de vie perde p def. lou il ne fuit ſum̃ ꝛc. E
& deuy, ceſty in reuerſ. naũa vſief de Diſceit, pur ceo q̃ naũa
vſief Derror, ſi non p ſtatute ꝛc.

¶ Mez ſi hõe ſoit t̃ a t̃m d̃ vie del mañ danẽ demeſn̄, & vn
t̃ de mañ leuy fine de ſa t̃re al cõmon ley, oze le ſñr del mañ
q̃ eſt t̃ a t̃me de vie, aũa bẽe de Diſceit, & aps ſon deceſſe cẽy
en reuerẽ aũa bẽe de Diſceit, & reuerſ. ceſt fine.

¶ Et ſi le Roy recou̇ en Præc' qd̃ redd', ou en Formedon F
vers vn p default, le tenant auera vſief de Diſceit cybñ com̃
il auera vſief Derror lou l' Roy recou̇ p erronious ꝓces ꝛc.
ou erronious iudg. Vide cẽ matt̃ debate M. 10. H. 4. en title
de Trauerſe en les Abridgem̃ts.

¶ Et ceſt vſief de Diſceit iſſera aſẽ foits hors de cõmon G
bank, ou poit ſuer hors de Chanc̃ a ſon ꝓleaſure, cõe ſi home
perd̃ p default t̃re en Præc' qd̃ redd' en cõmon bank, le teñt
aũa vſief de Diſceit ſil ne fuit ſum̃ ꝛc. hors del cõmon bank,
ſil voile ou en le Chancerie.

¶ Et iſſint ſi home ad exeẽ ſur reconuſ. en cõmon bank, H
ou en bank le Roy p def. ꝛc. le defend̃ auera vſief de Diſceit
ſil neſt ium̃, hors de ceſt Court ou le execuẽ fuit ſue ꝛc. ou
hors del Chancerie a ſa election.

¶ Et ſont auꝰs vſieſes de Diſceit del fozm̃ dun vſief de I
Aud. ta quærela, cõe ſi vn ſue Præc' qd̃ redd' vs auꝰ, & il teñt
ſe ſaẽ eſſoine al xv. de Paſc̃, le q̃l eſſoine eſt adiudge & ad-
iourne tanqz al xv. de Trin̄ donqz ꝓchein enſuant, & le de-
maundt & ſon attorney p couin enꝰ eux, faẽ vn vſieſe deſtre
recozd̃ en les filas des vſieſes q̃ le tenant ad fait N. & M.

ſes attorn̄ies ioint̄m̄t & ſeuerall̄m̄t al dit rb. de Paſch. per q̄ le dūant chall' cel eſſo'n̄ iect pur le t̄, pur t̄ q̄ il ad attorney en le bꝛief nient eſſoine, p q̄ al iour del adiorn̄em̄t le eſſoine eſt quaſſe, & le dūant recou̇ la tre p̄ ceſt default al rb. de Paſch. orꝛe le t̄ alia bꝛief de Diſceit vers cēy dūant & ſon attorney, & le forꝛm̄ vel bꝛief ſerra en nature de Audit̄ quærela, & ſerra direct as Juſtic̄ del cōmon bank, & eſt tiel. ¶Rex Iuſtic' ſuis de banco ſalutem. Monſtrauit nobis I. de B. qđ cum W. de B. nup̄ implacitaſſet ipſum I. coram vobis in banco p̄đ p breue n̄r̄m, de vno meſ. &c. in B. et placit̄ p̄d' ad captiō inquiſitiō p̄r̄æ ꝓſequut̄ fuiſſet, dieſq; partibus p̄dict̄ à die Paſch. ꝓxim̄ ꝓterito &c. in xv. dies data extitiſſet, ad quem diem idem I. ſe fecit eſſoniari, et eſſoñ ill' adiudicat̄ et adiornat̄ fuit vſq; ad xv. ſ. Trin̄ tunc ꝓx. ſequent̄, p̄đq; W. et P. attorn̄ ſui colluſiōn inť eos p̄habita machinant̄ p̄t. I. de teñto p̄đ exhæredar̄ S. de F. ſeruient̄ ipſius W. de B. et W. de P. attorn̄ ipſius I. ipſo idē penitus ignorante recordari et br̄e de attorn̄ in ſilarijs breuium in xv. Paſch. in banco p̄d', et quandam calumniam ſup dict' eſſoñ poni feciſſent, et eſſoñ p̄đ ꝓ eo quod p̄đ I. attorn̄ ſuum in eodē placit̄ habuit non iacere aſſeruiſſet, qd' ad dict' xv. ſ. Trin̄ ſeiſina de teñto p̄dict̄, ꝓ eo quod attorn̄ p̄dict̄ I. ad dict̄ quindeñ Paſch. eſſoniatus non fuerit, qd' eidē W. de B. per conſideratiōn Cur̄ extitit adiudicata, in deceptiōn Cur̄ n̄r̄æ p̄dict̄, et ipſius I. graue dampn̄, ac exheredationē manifeſtam, ſuper quo idem I. per petitiōn ſuam coram nobis et conſilio n̄ro in parliam̄to n̄ro exhibit̄, Nobis ſuppliçauit, vt ei de remed' ꝓuidere velimus in hac parte. Et quia p̄dict̄ W. de P. ſuper p̄miſſis coram vobis in banco p̄dict̄ allocutus ea cognouit vt dicit̄: Vobis mandamus qd' audita quęrela ipſi⁹ A. ſuper p̄miſſis, vocatiſq; coram vobis tam p̄f. W. de B. et W. de P. quam S. de F. auditiſq; hinc inde eorum rationibus, ſi per inquiſitiōn ſic inde faciend', aut per recognitiōn eorundem W. W. et S. vel eorum alicuius vobis conſtare poteri⁹, quod I. tenem̄ta p̄dict̄ per colluſionem p̄dict̄ amiſiſſet, vt eſt dictum, tunc tam ſuper deceptionē et colluſionē p̄dict̄ quam ſuper recuperac' tenement̄ p̄dict̄ habend', tā ꝓ nobis quam præfat̄ I. iuſtitiæ complementum fieri faciatis, prout de iure fuerit faciendum. Teſte &c.

K ¶ Si vn Notarie & autꝛs ꝑſons de lour couin cōterfeit le ſeale dañ Parſon, ou Vicar, & forgent lettꝛs de reſignation de ſ̄ Parſonage ou Vicarage ē l' noſm̄ l' dit Parſon ou Vicar &c. de ſ̄ bñfice, il alia bꝛief de Diſceit ſur ceo, & le bꝛief

eſt

eſt ẽ le Regiſter. Mes ſil ſerra reſtr̃ a ſ̃ bñfice p cẽ Quære, ſemble q̃ non, pur r̃ q̃ eſt vn eſpiritual act le amotiou ꝛc.

¶ Et ſi ÿ. ſeũal hões veneẽ deuant le maire del eſtaple, ou deuant auk̃ maire de vill̃ merchant, et ilũ conuſt vn ſtak̃ al auk̃ de C. li. en noſm̃ dun auk̃, affirme q̃ il eſt tyel plon, lou il neſt en fait: p q̃ ceſty q̃ eſt m̃ le plon eſt verre ẽ ſue p ceſt ſtak̃, ẽ mis ẽ exeẽ ꝛc. oze il aũa bziefe de Diſceit vs les ÿ. plons ꝛc. et recoũ ſes damꝫ. Et iſſint ſi home ſoit obl̃ a vn pzioz p ſtatute m̃chant en xl. li. a cerr̃ iour ꝛc. a q̃l iour il r̃ pay al pzioz ꝛc. Et puis cerk̃ auk̃s en noſm̃ le pzioz cũe ceſt ſtak̃ deſtre certifie en chanc̃, ẽ ſueẽ execuẽ de r̃, le pzioz nient ſciant de ceo ꝛc. oze cõy que ad pay le mony, ẽ fuit obligie, auera bziefe de Diſceit vers le pzioz, ẽ vers ceux que ſueẽ exeẽ en ſon noſme ꝛc.

¶ Et ſi leſcheẽ p vertue de bziek̃ a luy direct ſeiſi ẽres en mains le roy p reaſon de nonage de alk̃ hẽe q̃ tient de roy en chiefe, p q̃ le roy commitie le gard̃ de ceux terres a vn, q̃ eux grant ouſtre a vn auk̃ duẽ le nonage, ẽ oze le ſouth eſchetoz de ſon authozitie demeſne reẽ auk̃ office, ſans p̃nd̃ enqueſt ꝛc. ẽ diſturbeẽ le poſſ. le ÿ. graunteé, oze le ÿ. grãt auera bziefe de Diſceit vers le ſouthеſchetoz.

¶ Et iſſint ſi leſchetoz aũa ceo fait de ſon authozity deñ ſans pzend̃ alr̃ enqueſt ꝛc. ſolonqꝫ le courſe del ley: ẽ ceux bziefes ſont en le Regiſter.

¶ Et pur r̃ appt q̃ leſchetoz poit aũ ſouthеſchetoz ſibñ come le diẽ ad ſouthuit̃.

¶ Et auxy appiert que leſchetoz ſerra puny, coñt q̃ il ſoit offik̃ de recozd̃, ſil reẽ alcun offik̃ virtute officij, lou il ne pziſt alr̃ enqueſt denquire de ceo, et le pzoces en bziefe de Diſceit eſt Attachm̃t, ẽ Diſtr̃ &c.

49 ¶ Breue de Parco fracto.

BRziek̃ de Parco fracto giſt ou home diſtre beaſts p dam̃ feſant en ſa tre, ou pur rent ou ſeruices, ẽ eux mitk̃ en le common pound̃, ou en auter poũd̃, ou lieu q̃ ſerra dit lopall pound, et ceſty q̃ ad le ꝓpꝛtie des beaſts, ou auter plõ pziſt les beaſts hozs del dit poũd, ẽ eux encha̅ale ou a luy pleiſt: oze ceſty que diſtr̃ pur dam̃ fait a luy, ou pur rent ou ſeruic̃ arere ꝛc. auera bziefe de Parco tracto.

¶ Et ſi home mand̃ ſon ſeruant a diſtreiñ p rent ou ſeruice arere, et le ſeruant diſtre les beaſts, et eux mitte en

pound &c. et estrange eux prist dehors le pound, ore le master aũa laction de Parco fracto, & nemy le seruant, car il est le pound del maistr̃. ¶ Et si home distre p̃ rent ou seruices, ou pur dam̃ feisants, et mist les beasts en le soile ou close de son amy p̃ son licence, et cestuy que doit les beasts eux prist hors del close, ore cesty q̃ distr̃ &c. aũa lacr̃ de Parco fracto, et nemy cẽy q̃ doit le close, car cesty q̃ doit le close doit aũ acr̃, quare clausũ fregit &c. car il nẽ son pound &c. mes le pound cestuy q̃ distr̃ &c. Et le form̃ del briefe est tiel.

F ¶ Rex Vic' Lincolñ salutem. Si A. &c. tunc pone &c. B. ostens. quare cum idem A. in damno suo apud N. quedam aueria, *vel sic*, aueria præd' B. cepisset, et ea secũdum legem et consuetudinem regni nostri ibidem imparcasset, idem B. parcum illum vi et armis fregit, et aueria prẽd' cepit et abduxit, et alia enormia ei intulit, ad graue damnum &c.

¶ Et issint Nota que cest briefe est vi et armis, & ne mẽa en le briefe, q̃l mañ beasts ils sont, ne a que le pperty des beasts sont, sinon al pleasure del pl' &c.

G ¶ Et si home maund̃ son seruant a distr̃ pur rent, ou seruices, ou pur dam̃ feisant, donq̃ le forme del briefe est tiel.

¶ Ostens. quare cum idem A. in damno suo apud N. per B. seruient̃ suũ quend' boue, *vel*, quæd̃ aueria capi fecisset, et idẽ B. boué illũ, *vel sic* : aũia illa secd̃m legem et cons. regni nr̃i Angl' ibm̃ impcasset, p̃d' C. parcũ illud vi et armis fregit &c. *vel sic* pur Abbe, ostens. quare cum idẽ Abbas in damno suo in suburbio Linc', p̃ fratr̃ I. custod' cell' suæ sanctę Mariæ Magdal' extra Linc' quidam aũia &c. *Aliter pro defalta in cur' dom &c* quare cũ idẽ A. in feod' suo apud N. p̃ seruient̃ suũ aũia p̃d' B. pro quadam defalta, quam idem B. fecit in cur̃ eiusdem A. versus F. in loquela, que fuit in eadẽ curia inter &c. per considerationem cur̃ p̃d' capi feciss̃et, et idem A aueria illa secundum &c impcasset, p̃d' B. parcum &c.

H ¶ Et si hõc distr̃ pur amercim̃t en hund̃, et impound les beastes &c. et laur̃ party eux prist hors, le briefe serra tiel. Quare cum idem A. per B. et C. balliuos suos de hundred' de N. quedam iumenta ipsius F. apud S. infra præcinctum hundred' præd' p̃ quodam amerciamento, ad quod idem F. amerciatus fuit in eodem hundredo, ad opus præd' A. leuand', capi fecisset, et idem B. & C. iumenta &c.

¶ Et la en cel briefe il covient monstre que le pperty des beasts fuit en cesty que fuit amerce, pur ceo que il ne poit distr̃ auters beasts pur cel amerciament &c. mes pur rent

ou

ou ſeruices eſt auter, car le ptie diſtr̃ les beaſts troue en la terre q̃ ſont couchant & leuant.

¶ Et ſi le Roigñ diſtr̃ pur det ou amerciamt̃ due a lue, & eux impound̃, & eſtrange enfreint le pound & eux ptiſt dehors, dont q̃ el aũa briefe, & le briefe ſerra tiel.

¶ Rex Vic' S. ſalutem. Pone per vad' &c. P. de E. et C. de D. qđ ſint &c. ad reſpondend' tam nobis, quam Annæ Reginę Angl', quare cum W. de R. balliuus libertatis p̃đ Reginæ, hundr' de C. in quo eadé Regiñ ſicut in cęteris terris et tenementis ſuis ſibi per nos conceſſ' habet returñ oĩum briuium noſtrorum, put ad ipſum W. ratione officij ſui ptinuit, virtute returni cuiuſdã breuis ſibi p te infra libertatẽ p̃d' facť, p quodam debito ad opus p̃d' Reginæ de p̃dict' P. per ſum̃ ſcaccar' nr̃i leuando, aũia p̃d' P. apud B. cepiſſet, et ea ſcđm legem et conſuetud' regni nr̃i ibm̃ imparcaſſet, p̃d' P. et C. parcũ illud vi et armis fregerunt, et aũia p̃d' ceperũt & abduxerunt et alia enormia ibm̃ ppetrauerũt, in nr̃i contẽptum, & ipſius Reginę graue dãnũ, et cõtra pacem nr̃am &c.

¶ Et quant le Roigã ſuer̃ aſcun briefe, le briefe ne dirra, Si Anna Regina Angl' fecerit te ſecur̃ &c. car el ne trouera pledges come cõmon plon tra, car el ne ſerra amercie, cõe appiert per le briefe auantdit. A

¶ Et ſi le baron diſtr̃ pur rent ou ſeruic̃ q̃ il ad en droit la feme, & eux impound, & eſtrange eux ptiſt hors &c. le baron aũa briefe de Parco fracto en ſon noſme ſolem̃t: Mes bn̄ il ſẽble, q̃ il poit ſuer ẽ en ſon noſm̃, & en le noſm̃ de ſa feme & ioindr̃ la feme oue luy, Tamen Quære. B

50 ¶ Breue de Reſcuſſu.

BRiefe de Reſcous giſt lou hõme diſtr̃ pur rent ou ſeruices, ou pur dam̃ feſants, & eux voill' emparker ou empound̃, et lauter ptie eux reſcue, ou eux ptiſt de luy, il aũa dongz ceſt briefe de Reſcous, & le briefe eſt tiel. C

¶ Rex Vic' &c. Si A. fecerit &c. tunc pone &c. oſtenſ. quare cum idẽ A. in damno ſuo apud S. quedam aũia, *vel ſic*: aueria p̃d' B cepiſſet, et ea ibm̃ ſcđm legem et conſuetud' regni nr̃i Angl' impcari voluiſſet, p̃d' B. aueria p̃d' vi et armis reſcuſſit et alia &c. *vel ſic*: Quare cum idẽ A. in feodo ſuo apud S. p conſuetud' et ſeruic' ſibi debitis p C. ſeruient̃ ſuũ quędam aueria capi, *vel ſic*: Quandã carectã ipſius B. capi feciſſet, Et idẽ C. carectã illã vlq; maneriũ p̃d' A. de S. ſcđm &c. ducere voluiſſet, p̃d' B. carectã illã vi &c. in ipſũ C. inſultũ fecit &c. D

¶ Iſſint

¶ Iſſint appiert que il poit ſoinder en le bziefe de Reſcous le aſſault & baterie de ſon ſeruant &c.

E ¶ Et ſils diſtr̃ beaſts & auters moꝛt chateux, donqꝫ le bziefe ſerra tiel. ¶ Oſtenſ. quare cum idē A. in feodo ſuo apud S. ꝑ conſuetudinibus et ſeruitijs ſibi debitis aũia et catalla ꝑd' B. cepiſſet, et aũia illa imparcaꝛ, et catall' prædꝯ nomine diſtrictionis ſcd̃m legē et conſuetudinē regni nr̃i Angl' detineri voluiſſet, idem B. aueria illa reſcuſſit, et catalia ꝑdict eidem A. abſtulit, et alia &c.

¶ Et ſil diſtr̃ ꝑ rent charge, donqꝫ le bziefe eſt tiel. ¶ Quare cũ idē A. in quodā teñto ipſius B. apud N. ꝑ quodam annuo redditu per ſcript̃ ipſius B. obligatoꝛiũ diſtrictionis ipſius A. obligato ꝑ redditu præd' aretro exiſtenꝛ, quædam catalla ipſius B. cepiſſet, et ea noĩe diſtrictionis ſecundum legē &c. ibidem detineꝛ voluiſſet, ꝑd' B. catalla præd' &c.

I ¶ Et nota, ſi hõe maundõ ſon ſeruant a diſtr̃ ꝑ rēt, ou ſeruiꝛ̃, ou ꝑ dam̃ feſans, & reſcous eſt fait al ſeruant, le Maiſt̃ aũa le bziefe de Reſcous, & nemy le ſeruant, car le toꝛt eſt fait a cẽy q̃ doit aũ le rent ou ſeruice ou eſt endam̃ &c.

G ¶ Et ſi collectoꝛ ou ſouthcollectoꝛ diſtr̃ pur quindiſmes, & reſcous a luy eſt fait, donqꝫ il aũa le bziefe de Reſcous, & le bziefe ſerra tiel. ¶ Si W. de S. ſubtraxaꝛ decime in villa de S. nobis per ciues et burgenſ. regni nr̃i vltiꝯ conceſſe &c. fecerit te &c. tunc pone B &c. ad reſpond' tam nobis quam ꝑtaꝛ W. quare cum idem W. quedam catalla ipſius B. ꝑ certa pecuniæ ſumma ratione deciꝯ ꝑd' aſſeſſe cepiſſet, & catalla illa ibꝯ noĩe diſtrictionis, nomine nr̃o detineꝛ voluiſſet, præd' B. catalla illa ꝑf. W. ibꝯ vi et armis abſtulit, et in ipſum W. ibꝯ inſultum fecit, et ipſum verberauit, & vulnerauit &c. et alia &c. in noſtri contemptum et præiudicium, et ꝑd' W. graue damnum, et contra pacem &c.

H ¶ Et ſi les baillies ou officers attach. ceꝛt̃ ꝑſons, & auters homes eux reſcue del officer, donqꝫ il q̃ cauſe eux deſtre attache aũa bziefe de Reſcous, & le bziefe ſerra tiel.

¶ Quare cũ idē Prior ꝑ chartã dñi E. quã inſpeximus, habere debeat apud W. liberam cariam ſuã de oĩbus hominibus ſuis, tam burgenſ. quam alijs, et de oĩbus placitis et querelis et attachiꝯtis qualitercunque contingenꝛ̃, vnà cum priſis et oĩbus alijs ad homines ſuos ſpectanꝛ̃: Ac idem Prior per B. balliuum ſuum apud F. R. et M. homines ipſius Prioris pro diuerſis tranſgreſſ. apud T. infra libertatem prædict Prioris per ipſos (vt dicit) contra pacem noſtram factis,

vnde

vnde clamor et huteſium ibm̃ leuat̃ fuerit, attachiari feciſſet, et idē Prior ipſos R. et M. ibm̃, ſcd̃m legē et conſ. detinere voluiſſet, iuſtic' in hac parte in Cur̃ Prioris p̃dict̃ ſubitur̃, p̃dict̃ B. et L. p̃f. R. et M. de p̃dict̃ tranſgr̃ non iuſtificat̃ a cuſtod' ipſius B. vi et armis cepēr̃, et quo voluer̃ abire permiſer̃, et alia enormia &c. ad graue damnum ipſius Prior̃, et libertat̃ ſuæ leſion̄ manifeſtam, & contra pacem noſtram.

¶ Mes nota, q̃ ſi le Bailly ou Viē, ou aut̃ officer le Roy attach aſt̃ home, ou diſtr̃ pur det, ou aut̃ ſeruice due al Roy, & reſcous a luy eſt fait, q̃ adonqꝫ le bailly ou officer auera le bꝛiefe de Reſcous en ſon noſm̃ demeſne, & nemy le Roy, & le bꝛiefe ſerra tiel. ¶Si T. ball' hundred' de F. fecerit &c. tunc pone &c. ad r̃ndendum tam nobis quam p̃f. ball', quare cum idem ball' iuxta officij ſui debit̃ W. quem per Vicecom̃ n̄rum Com̃ p̃dict̃, per breue n̄rm de iuditio ſibi directum capi præceperimus apud K. virtute mandati noſtri p̃dict̃ cepiſſet, et ipſum vſque caſtrum noſtr̃ R. in priſona n̄ra ibm̃ moraturum ducere voluiſſet, p̃dict̃ R. et S. ipſum W. apud dictam villā de K. vi et armis reſcuſſerunt, et alia &c. in noſtri contemptum, et prædict̃ ball' graue damnum, et contra pacem noſtram, et habeas &c.

¶ Et ſi le bailie voile attach. aſt̃ perſon, & il meſme fait reſcous, & ne voile obeier ceo, donqꝫ le bꝛiefe ſerra tiel. B

¶Si H. de R. ball' villæ n̄ræ de S. fecerit &c. tunc pone B. &c. quare cum idem H. iuxta officij ſui debitum præf. B. pro quodam huteſio ſuper ipſum per W. de S. apud C. leuat̃, ad quæremoniam prædict̃ W. ſcd̃m legem et conſuetudinem regni noſtri attachiaſſet, prędict̃ B. ſe iuſticiari non permittens, attachiament̃ prædict̃ vi et armis fregit, et in ipſum H. ibidem inſultum &c.

¶ Et ſi le Viē maunde al bailie de liberty pur leuier certeine amerciaments & fines pur le Roy, & le bailly diſtrain̄ pur eux certeine beaſts, & reſcous a luy eſt fait, oꝛe le ſeignioꝛ del libertie auera bꝛiefe de Reſcous fait a ſon bailly, & pur le batterie & aſſault fait a luy, & pur le perde de ſon ſeruice, & tout en vn bꝛiefe. B

¶ Mes ſi le bailly le Roy diſtreine pur rent, & reſcous a luy eſt fait, le bailly aūa bꝛiefe de Reſcous, & nemy le Roy. C

¶ Et ſi home ſue execution, & ad bꝛiefe de Cap̃ direct al Vicount de luy pꝛender, & le Viē fait pꝛecept al bailie del libertie de le Roigne, ou le partie demurre, de luy pꝛender &c. per que le bailie luy pꝛiſt, & auters perſons luy reſcous

de

de la baillie &c. ore ceſty q̄ ſue lerecuī aūa briefe de Reſcous vers ceux q̄ luy reſcue, vt patet per Regiſtrum. Mes vnē il ſemble reaſon q̄ le baily aūa briefe de Reſcous en tiel caſe, car aſcuns homes voil̄ dire, q̄ le baily ſerra charge a cēy q̄ ſue le Cap̄ &c. per ceſt pretel, Tñ Quære de ceo.

D ¶ Et appiert p le Regiſter, q̄ ſi briefe ſoit direct al Mīr pur leuier les expenſes des chiualers al parliamt, & le Mīr fit precept al baily del Liberte del Eueſq̄ de Ely de leuer le ſumm̄ aſſeſſe &c. p q̄ le baily p ſ̄ ſouthbaily priſt cerē auers, & eux voil̄ aū emparke, & cerē plons fiē reſcous, & bateē le ſouthbaily &c. p q̄ le baily aūa briefe de Reſcous vers eux, Et ia ſemble q̄ ceux chiualers q̄ aūa le mony, ne poiēt auer briefe de Reſcous pur cē reſcous, p ē q̄ il neſt duitte a eux p aſſ̄ plon cerē, mes deſtre leuie des inhabitants del villes.

E ¶ Et ſi le ſīr diſtr̄ les beaſts ſon tenant, & les beaſts dū eſtranger p̄ rent ou ſeruice arere, ou neſt aſſ̄ rent ou ſeruice arere, leſtranger poit fair̄ reſco^{s} de ſes beaſts demeſn̄, mes nemy des beaſts le tenant, come ſēble. Et ceo ſēble per leſtatute de Marlebr. cap. 3. q̄ voit, Non ideo puniatur dñus p redemptionē. Tñ ioptnion Thorp eſt contrarie M. 31. E. 3. car il dit, q̄ leſtrange poit reſcuer cybien les beaſts le tenāt, come les beaſts leſtranger, Ideo Quære.

F ¶ Et reſcous neſt fait, mes ou il ad le poſſeſſ. del beaſts, ou del choſe q̄ ſerra dit reſcous de luy: Car ſi hōe vient de attacher homē, ou a diſtr̄, & il eſt diſturbe a ē faire, il naūa briefe de Reſcous, mes action ſur le caſe.

G ¶ Et le Roy nauera briefe de Reſcous fait a ſon Officer, quod vide P. 20. E. 3. mes il poit cauſer luy deſtre indict pur ceo.

51 ¶ Audita quærela.

H CEſt brē de Audita quærela giſt cybñ ſur matt̄ en fait cōe ſur matt̄ en eſcript, cōe il apperēt aps, & cē brē fra direct as Juſt. de cōmon bāk, ou de bāk le Roy, & giſt ou A. & B. venēt deuāt le Maior &c. & B. la conuſt deſtre lie en C. l. al dit A. en noſme dū C. affirm̄ la deuant le Maior, q̄ ſ̄ noſme ē C. p q̄ aps C. ē priſe p force d ē obl̄ & ſtatt̄, & mis ē exet̄, ore C. eūa Audit̄ quer el' dis l' dit A. & B. & l' forſm̄ del brē fra tiel.

¶ Rex Iuſticiarijs ſuis de banco ſalutem. Querelam C. recepimus continent̄, quod A. & B. colluſione inter eos apud W. præhabita, Cur̄ noſtr̄ illudet̄, & præf. C. callide p̄grauare machi-

machinantes nup̄ coram R. Maiore villę nr̄ę Southampton, et R. clerico ad recognitionem debit̄ apud S. accipiend' deputat', comparentes ip̄m C. &c. C. sacramto corporali ad hoc p̄stit̄ exist' asseruerunt, p̄ qđ idē B. sub nomine eiusdē C. p̄f. A. C. li. ad certē t̄minum iam p̄terit̄ soluend' corā eisdē maior et clerico, iuxta formam statuti dudū apđ Acton Burnel pro mercatoribus editi, se deber recogn̄, et postmod' ipsum C. pro eo qđ ipse p̄đ C. li. p̄f. A. ad t̄minum p̄đ non soluit, p̄ p̄f. Maiorem capi, et in prisona nr̄a saluo custodiri, quoulq; eidē A. de eisdē C. li plen̄ sati fec', falso et malitiose p̄curaſ, in ipsius C. dam̄p̄ non modicū, & deceptionē Cur̄ nr̄æ manifestam: sup̄ quo idē C. nobis supplicauit, vt sibi remedium congruum adhiberi velimus: Vobis mandam⁹, qđ auditis quærelis ipius C. in hac parte, et vocatis coram vobis præf. A. & B. ac præf. Maiore et clerico, auditisq; hinc inde partiū ration̄, eidem C. sup̄ falsitat̄, malitia, & decept̄ p̄đ plenam et celerem iustitiā fieri fac', prout de iure, et secund' cons. regni nr̄i fore videritis faciend', Teste &c.

¶ Si hõe lesse terr̄ a vn A. a terme de vie, & puis p̄ fine graunt le reũsion a vn B. &c. en fee, & puis deuie, & le heire le reconiss̄, & vn L. p̄ coun enf̄ eux fue vn Præc' in Capite vers le dit A. sup̄ le terre ce ten⁹ de Roy, lou il nē ten⁹ de Roy, mes dū aut̄, & en cē Præc' in cap̄ ils ceul. vn ff. dappel̄ cõe attorn̄ le dit A. & a toind̄ le mise en le dit brief, & puis le dit attorn̄ p̄ coun fait default, p̄ q̄ iudg. final est done vers le dit A. ore il a ūa Audita quærela sur le dit matt̄ direct as Justic̄ de cõmon banke, eux cõmaund̄ de p̄ceder bien sur le restitut̄ del dit terre p̄đ, come sur le discent, & de fait̄ sur ceo hastie iustice, come de droit solonq; le custome del Realme ils deuet̄ faire, & le briefe est tiel. A

¶ Rex Iustic' suis de banco salut̄. Monstrauit nobis A. vt cum ipse nuper manerium de C. cum pertinen̄ in Com̄ L. ad terminum vitæ suæ tenuisset ex dimissione I. ac H. fil' et hær̄ prædict̄ I. manerium p̄dict̄ T. de S. et hæred' de corpor̄ ipsius T. exeuntibus (vt dic') p̄ finem inde in Cur̄ nr̄a corā Iustic' nr̄is de banco apud W. leuat̄ post mortem præd' A. habend' concessisset, I. filius et hæres prædict̄ H. et L. collusion̄ inter eos præhabita, prætat̄ A. de p̄dict̄ manerio amouer̄, et præfat̄ A. de reuerc' manerij prædict̄ excluder̄ machinantes, breue nostrum (quod vocat Præcipe in cap̄) Vic' nostro Leicestr̄, ad certum diem iam præterit̄ retornabile de manerio p̄dict̄, ac si idem maner̄ de nobis teneret̄ in capite cum non

teneat̄

teneat̃ ſub nomine pred' E. verſus pref. A. & T. in cancellar̃ nr̃a impetrari, & br̃e nr̃m predict', quod pref. A. et T. iuxta formã breuis p̃d̃ ſum̃ fuerunt eſſendi coram vobis ad die p̃d' p̱ pref. vic' retorn̄, ac quendã ignotũ, qui ſe R. de S. nominari aſſeruit coram vobis in banco p̃d̃ apparer̃ ad p̱dendũ vel lucrand̃ in loquela pred̃ p̱ p̃f. & T. attornat̃, ipſis A. & T. de impetratione br̃is ſum̃ & attornato p̃d' ſub nomine ſuo vt premittit̃ facto penitus ignorantibus, falſo & malicioſe, procurauerunt, ac p̃f. attornat̃ ad eund̄ die cor̃ vobis cõparens poſuerit ſe in magnã aſſiſã nr̃ã, et petierit recognition̄, fieri, vtrũ ijdem A. & T. maius ius habuer̃ tenend̄ dictũ man̄ cum p̱tin̄ ſicut illud tenuer̃, an p̃d̃ E. habend̄ dict̃ man̄, ſicut illud petijt, p̱ q̃d̃ per defaltam quã ijd̄ A. & T. poſtmod̃ fecerunt, in ead' cur̃ p̱ vos conſideratũ fuit ibid', q̃d̃ p̃d' E. recuperaret ſeiſinã ſuã de p̃d' man̄ cũ p̱tin̄ verſus p̃f. A. et T. tenend̄ eidem E. et hered' ſuis quiete de pred' A. et T. & hered' ſuis imp̱petuũ, cuius quidē conſiderationis p̱textu pred̃ A. a man̄ ſuo pred̃ cum p̱tin̄ p̱petue eſt amotus, in ipſius A. damnum non modicum, & cur̃ nr̃e deceptionem manifeſtã, ſuper quo p̃fatus A. nobis ſupplicauit congruum remedium ſibi adhiberi: Nos hm̃odi colluſionē, malitiã, & deceptionē, tranſire nolẽt impunit̃: vobis mãdam⁹, q̃d̃ audit̃ querel' ip' A. in hac parte, & vocat̃ coram vobis p̃f. E. et LL. & alijs in hac p̱te, quos cor̃ videritis euocand', et auditis hinc et inde p̱tium rationibus, vlterius eid' A. tã ſuper reſtitutione & recuperation̄ dicti man̄ quã ſup̱ colluſione, malitia et deceptione pred' plenã & celerē iuſtic' fieri faciatis, prout de iure et ſcd̃m legem & conſ. regni &c. faciend̄, Teſte &c. Et per ceſt brief il ſemble que les Juſtic̃ deuer̃ anienter & auoyder ceſt recouery, ſi ils troue le diſceit &c. vncore ſemble que ils ne poyent ceo faire &c.

B Si home ſoit oblige en ſtatute Marchant, & puis fait feffement de ycel de ſes terres a vn home, & de auꝰ parcel de ſes terres al auꝰ home, & le recognisee ſuit execution ſur le ſtatut, & ad execuꝰ vers ion feffee, ore ceſty feffee auer̃ audita querela vers lauꝰ feffee, a dire pur que il naura execuꝰ de ſes terres ſibñ come de les terres que il ad &c.

C Et iſſint ſi home ſoit oblige en ſtatute marchãt, & entretme endentures de defeaſance ſount faits de auoyder les eſtatuts faits, & puis le recogniſee pꝛiſt le recogniſoꝛ & imꝑiſon, et pꝛiſt les Endentures del defeaſance de luy, & pu:g ſne execuꝰ ſur le ſtatute &c. oꝛe le Recogniſoꝛ auer

Audita

Audita querela vers luy sur tout cest matter &c.

A ¶ Al Nisi prius en trñs fuit troue pur le pl̃,& damñs assesse,& deuant le iour en bank, le pl̃ releas al def. touts actions & demands, & puis pẓia iudgm̃t & sue execuc̃ sur ẽ, ọze le def. añ̃a Audita querela, sur cest release &c.

B ¶ Et le heire le recognisoz poit suer Audita querela, sil ad alt̃ matt̃ en escript pur discharg. lexecuc̃.

C ¶ Si home soit obligé en recognisance p stat̃ merchant ou staple,& puis il pay le mony accoẓd al stat̃ & ad le statut deliuer a luy, & cancel ẽ, & puis le recognisee soẓge nouel estat̃ in nosme le recognisoz: ọze cesty recognis. auera audita querela sur cest stat̃ cancel monstre &c.

D ¶ Si statut merchant ou staple soit fait p vn a aut̃, & ẽ baile en oẅell̃ main a vn estrange a deliu̇ sur cert̃ conditions perfoẓmes,& puis lestrange deliuer le statute al recognisee auant les conditions perfoẓmes, p q̃l il sue execution sur ẽ, ọze cest recognisoz añ̃a Audita querela.

E ¶ Et si home sue execuc̃ sur stat̃,& ad execuc̃,& puis lesse oustẽ son estate, ọze le recog. añ̃a Aud' querela vs les. sans nosme cẽp q̃ sue execuc̃, sil ad matt̃ en escript & monstre &c.

F ¶ Home sue Aud' querela vs le recognisee, pur ceo q̃ il añ̃a purch vn mañ̃, a q̃ le recognisée est villein regardant,& vnc̃ il puit ent̃ & seiser le recogns. sans ast̃ tiel suit.

G ¶ Et estrange añ̃a Aud' querela q̃ ne fist le recognis. ne fuit tenant del ten̄ al temps del execuc̃ sue &c. si il ad matter en discharge p escript: Quod vide an. 11. E. 3. lib. Ass. Et est dit la, q̃ ẽ est done p estat̃, le feoffee nañ̃a briefe derroẓ &c ne le feoffee del cognis. de part de ses frers nañ̃a Aud' quer̄ tanqz ses frers sont mises en execuc̃.

H ¶ Et si home sue Aud' querel' vs le recognis. & mẽe stat̃ q̃ est cãcel,& dit q̃ il fuit liuer a luy en lieu dacq̃tãce: ọze le recognisee poit mẽe le verie statut, & dire q̃ cest statut q̃ est mõstre p le ptie q̃ est cancel est foẓge per luy, & sur ẽ il añ̃a briefe as Justic̃ en natur̃ de Aud' quer̄, & eux commandॅ q̃ ils maundeñ pur le Maioz & le Clerke, & pur les pties, et de fait̃ droit,& lexamination del Maioz & clerk sur cẽ matt̃ serra le trial de ẽ,& le fine del matt̃, Qd' vide M. 11. E. 1.

I ¶ Sur recoũp del det, sil suist Scir' fac',& le vic̃ ret̃ vnde nihil, p q̃ execuc̃ est agard̃, ọze le def. auera Aud' querela sil ad releas ou acquit̃, pur ceo q̃ il ne fuit garnie: Mes si le vic̃ añ̃ retoẓn̄ luy garnie, il nauera Aud' quer̄ sur tiel releas &c. pur ẽ q̃ il puit auer ẽ plegॅ sur le ẽ del Scire fac'.

¶ Et

K ¶ Et si cest luy oblig. en stat staple, ou stat Merchant, il auera Audita querela durant son nonage de auoider cest statute, & auxy il auera Audita querela apres son plein age, de auoider cest statut sur cest matier en fait.

L ¶ Et illint si home fait statut staple ou stat. merchant p dures &c. il auera Audita querela de auoider cest statut per cest imprisonment &c.

M ¶ Et si ij. sont seueralm̃t lies en seueral statuts, & puis le recognis. releas a eux ambideux per vn fait, sil sue execution vers eux seueralm̃t, ils iomdr̃ en vn Audita querela sur cest release. P. 20. E. 3.

N ¶ Si le Recognisor enfeoffe vn estrange de vn parcel de tre, & puis enfeoffe le recognisee de auter parcel de tre, & puis le recognisee sue execution vers le recognisor & le feoffee, ore le feoffee auera Audita querela vs le recognisee, & discharge la terre, pur c̃ q̃ le recognisee ad discharge son pcel del terre q̃ il ad purchase p son act demesne.

O ¶ Sur Audit̃ qrel' sue, il añ a Supl. en m̃ le brief d̃ cesser dexecut̃ &c. Mes sil soit nonsue, il puit auer nouel Audita qrela, mes donqs il nañ a Supl. de surcesl. dexecut̃.

P ¶ Et home nañ a Aud' qrel' supp̃ q̃ il est a pursuee exet̃, mes contet̃, all'en t bt̃ d̃ Aud' qr', q̃ l'pty sue exet̃ en fait &c.

Q ¶ Et si home sue Audita qrela sur vn ret̃, & puis est nonsue, il nauera Audita qrela sur nouel matter, vt dic' 43. E. 3. Tamen il semble le ley contrarie, mes il ne delayet̃ lexecut̃ per nouel Audita querela.

R ¶ Et si hõe cõpient ij. matrs en le Aud' querel' d'extinder lexecut̃, vnt̃ le brefe est bon, mes le pl' tenet̃ luy a lun matr̃ solem̃t, & le def. serra mise a respõd a t̃, & variãs ent̃ le Aud' querel' & le record abata le bt̃: Mes la en nouel Aud' querel' sue record al record, il añ a Supl. de surcesl. diret̃ &c. com̃t q̃ il añ Supl. auãt en laut̃ Aud' querel' q̃ fuit abate &c.

S ¶ Si home sue execution sur statut Merchant, & ad bt̃ de Cap̃ ret̃ en cõmon bank: ore si les feoffees ou ptie voil̃ suer Aud' querel', ils nauera ceo hors de cõmon bank, mes conient suer t̃ en Chanc̃, direct as Justic̃ de cõmon bank.

T ¶ Si home sue executiõ sur statut Merchant, come executor a vn, le ptie nauera Aud' querel', surmittant en le dr̃ q̃ cestuy q̃ sue execution nest executor.

¶ Et le proces en Aud' querela est, Venire fac' & Distr̃, & Alias Plur̃ distr̃ &c. & sil ret̃ que il nad riens &c. ne puit estre troue, il añ a Cap̃ vers le def. Qd' vide Trin̄ 18. E. 3.

¶ Home

¶ Home recr̃ en briefe de wast p default, p q̃ le def. fait Aud' querel' direct as Justic̃ hors del chanc̃ surmitt en le br̃, q̃ il ne fait sum̃, ne attach, ne distr̃, p q̃ les Justic̃ grant hors de rols en le common bank vn br̃e de disceit vs le pty, pur ceo q̃ le Audita querel' ne fuit forsqz vn commandment as Justic̃ de faire drot al partie &c. Trin̄ 19. E. 3. Et illint ils proced̃ sur le briefe de Disceit, & nemy sur le Audita querela &c. A

¶ Et si home soit oblige p recog. en cõmon bank, & puis relessa al ptie, & aps enconc̃ son rec̃ sue execuc̃, donq̃s la il vener en cõmon bank, & suera Audita querela la sur c̃ hors des rols. Et illint si vn rec̃ en cõmon bank ou bank le Roy dam̄, ou det, & puis relesse ceo p s̄ fait, & puis sue sa execuc̃ sur s̄ recouer̃ &c. la ptie a q̃ il aũa relesse. aũa Audita querel' hors de cõmon bank, ou bank le Roy ou le record est. Et vnc̃ il puit suer Audita querela hors de Chanc̃. Et illint il serra asc̃ foits iudicial, & asc̃ foits original &c. B

¶ Et si home soit oblige en stac̃ merchant ou d̄ le stapl, a vn auter, & puis le reconisee fait al reconisor cerc̃ indentures de defesans: ore si le reconisee sue execuc̃ sur lestac̃ enconc̃ la forme des endentures, le conis. ou ses executors (si soit mort) puit aũ cest briefe de Audita querela vers le reconisee. C

¶ Et appiert en le Register br̃e de Aud' querel' pur enf. q̃ fait stac̃ marchant ou destapl' duc̃ son nonage, si soit vnc̃ deins age. D

¶ Et auter Audita querela appiert p le Register pur le feffee del parcel de tre q̃ fuit al reconis. vers le reconisee, pur c̃ q̃ le reconisee aũ purchas auc̃ parcel de terre del reconisor &c. E

¶ Et si home soit pris & empris. sur le stac̃ march. & puis le ptie fait relesse. al reconisor, ou il pay luy la det, & ad acquitt̃, ou pay parcel, & ad relesse. de residū: donque ils potent bener en Chanc̃, et la trouer suertie corpus p corpore dauer luy en Chanc̃ a cerc̃ iour, & la de paier le sum̄ &c. si il ne puit luy discharger per acquitt̃ & relesse. &c. & sur ceo il auera briefe al vicount, ou il est en gard reherc. com̄t q̃ il ad troue tiel suertie &c. en chanc̃, luy commandant q̃ il luy deliuerer, si soit la deteign̄ en prison pur cest cause, & pur nul autre, & sur ceo il poit auer Al' & Plur̄ & Attachm̄t vers le vic̃ si il ne voilt luy deliuer &c. Mes si home soit pris & emprison sur statute de stapl', & il ad acquitt̃ ou relesse. de luy discharger, donq̃s si voilt suer Audita querela ou Scire fac' de auoider cest execution & stac̃, il couient trouer suertie cibñ al partie F

come al roy en l' chanc̃ seuerament en certein lieus &c. de suer oue effect, & de rẽder le corps ou paier le money &c. & autrement il ne serra diliu̅ hors de prison, & cest p statutum regis Henrici 6. ann. 11. cap. 10.

52 ¶ Breue de Attaint.

G BRiefe dattaint gist ou faux verdit est don en court de record vers le pl' ou def. ou vs le dõ ou tenit en pl' real ou psonal sue p brief ou bil si le det ou dam̃ passont xl. s. donqs cestuy vs q̃ le vdit pass. a. u̅a briefe dattaint, & le briefe serra tiel, sil soit sur briefe de trẽs en banke le Roy.

H ¶ Si E. de L. fec' te secur̃ &c. tunc sum̃ &c. xxiiij. legal' milites de visn̄ de N. quod sint coram nobis apud B. in octauis s. Hill' parati sacrament̄ recognosc', si iurator̃ per qs quedam inquisitio nuper capta fuit, coram nobis apud B. per breue nr̄m int̄ I & M vx. eius & p̄d' S. de quadam transgr̄ eid' M. p p̄f. E. illata, vt dicit̄, falsum fec' sacrament̄, sicut id' S. nobis grauit̄ conquerend' monstrauit, et interim diligent̄ inquiras, qui fuer̄ iuratores primæ inquisitionis &c. et eos tunc habeas coram præf. Iust̄ &c. vel coram nobis &c. come le case gist.

I ¶ Et p lestatut de W. 1. ca. 38. home a u̅ attaint en pl' de terre a frankt̄ de chose q̃ touch frankt̄.

K ¶ Et p lestat̄ an 1. E. 3. c. 6. home a u̅a att̄ de trẽs.

L ¶ Et p lestat̄ latt anñ 5. E. 3. cap. 6. in fine statuti, home a u̅a attaint de trẽs sue per bail' sans briefe deuant Justic̄ de record, si les dam̃ pass. xl. s.

M ¶ Et auxy home auera attaint pur les dam̃, com̃t q̃ ils ne sont pates &c.

N ¶ Et si faux vdit passa per briefe de Nisi prius, donqs le forme del briefe est.

¶ Parati sacram̃to recognosc', si iurat̄ per quos queda̅ inquisitio nup̄ sum̃ fuit coram nobis, & capta coram dilect' et fidel' nostro T. de B. vno Iustic' nr̄orum ad placit̄ coram nobis tenẽda assign̄ per breue nostrũ de Nisi prius apd' K. inter ipsum E. & præf. T. de quadam transgr̄ &c.

O ¶ Et si le vdit pris soit deins at̄ libertie ou bill' corporat, donqs le briefe dattaint est tiel.

¶ Parati sacro recogn̄, si iuratores p̄ quos quedam inquisicio nuper sum̃ fuit, & capta apud L. sine breui nostro coram maiore & ball' ciuitat̄ nostræ Linc' de loquela que fuit coram

ram dilectis et fidel' nr̄is S. Scrop et ſocijs ſuis Iuſtic' noſtris ad placita coram nobis tenend' aſſign̄ inter I. de L. et pr̄ef. S. de quadam tranſgr̄ eidē I. per p̄f. S. illat̄, vt dicitur, quæ quidem loquel' iuxta libertates ciuitatis ciuibus ciuitatis noſtrę p̄d̄ p̄ cartas p̄geñ nr̄orum quondā regū Angl', et confirmac' noſtram conceſſas, coram eiſdem maiore et ball' noſtris retorn̄ fuit placit̄, falſum fecer̄ ſacramentum, ſicut idem I. nobis grauiter conquerendo monſtrauit necne, et interim &c.

¶ Et ſur faux verdict doñ en Lond̄ ſur Niſi prius, **le forme del bꝛeue eſt tiel.** A

¶ Parati ſacram̄to recogn̄, ſi iurat̄ p̄ quos quędā inquiſitio nup̄ ſum̄ fuit coram nobis, & capt̄ coram R. de M. tunc vno Iuſtic' ad placita coram nobis tenend' aſſign̄, aſſociato ſibi A. de F. apud S. Martiñ Lond' iuxta libertat̄ ciuitatis prædict̄ per breue noſtrum &c. **¶ Et ſi faux verdict ſoit done en bill' corꝛopꝛate ſur pleint ſue ſans bꝛiefe &c. le bꝛiefe** Dattaint **donqꝫ eſt tiel.** B

¶ Parati ſacram̄to recogn̄, ſi iurat̄ p̄ quos quædā inquiſitio nup̄ capta fuit coram nobis apud Linc' ſine breui nr̄o int̄ A. de D. de quadā tranſgr̄ &c. illat̄, de qua quidē tranſgr̄ idē B. conuict̄ fuit, et xx. li. eidē A. p̄ damnis ſuis in hac parte adiudicat̄ exiſtūt vt dicit̄, falſū fecer̄ ſacr̄m, ſicut idē A. &c. **¶ Et ſi faux ꝺ̄dict ſoit doñ deins l' ꝺ̄ge &c. donqꝫ le bꝛ̄e ſerra tiel.** C

¶ Parati ſacr̄o recogn̄ ſi iurat̄ per quos quædam inquiſitio nup̄ capta fuit coram ſeneſc', et mareſc' hoſpitij nr̄i apud C. ſine breui noſtro int̄ R. et p̄d̄ T. de quadā tranſgr̄ eidē R. per p̄f. T. apud C. infra virgam nr̄am, vt dicebat̄, illata falſum fecer̄ ſacram̄tum &c.

¶ Et ſi hōe ſoit condemne p̄ faux verdict en det ou dam̄, donqꝫ ſil ſue Attaint, **il auer̄ eſpeꝛ̄ bꝛiefe as Iuſtic̄, de luy leſſ. al bail' ſur bon ſuertie pꝛis, q̄ ſi** Lattaint **paſſ. encounc̄ luy, q̄ il ſe rend̄ arere al pꝛiſon, ou ſatiſfier̄ le dutte, et le bꝛiefe eſt tiel.** D

¶ Rex dilect' &c. E. de S. et ſocijs ſuis ſalut̄. Cum I. arrainauerit coram nobis per br̄e noſtrum quandam iurat̄ xxiiij. ad conuincend' iuratoꝝ per quos quædam inquiſitio nuper capta fuit coram nobis apud W. p̄ br̄e noſtrū int̄ R. et p̄d̄ I. de quadam tranſgr̄ &c. illat̄ vt dicit̄, ac ex parte ipſius I. accepim̄, q̄d̄ ipſe prætextu p̄ceſſus in p̄dict̄ placito de tranſgr̄ facti, captus eſt, et in priſona mareſcalciæ noſtræ coram nobis detentus, quo minus iuratam ſuam prædictam proſequi poſſit, ſuper quo &c. adhiberi, nos nolentes quod idem I. in

priſon̄ noſtra p̄dict̄ ſic detineat̄, quę minus iuratam ſuam p̄d̄ ꝓſequi valeat, vt debebit: vobis mandamus, qd̄ ſi idem I. inuenerit coram vobis ſuffic' manucapt̄, qui eum manucapiant habere coram nob' ad ꝓſequend' attinct̄ p̄dict̄, et terminata attincta illa, ſi cont̄ ip̄m tranſierit, vel ipſe attinct̄ illam non fuerit ꝓſecutus, qd̄ reddat ſe priſonæ nr̄æ p̄dict̄, et ſatisf. tam nobis de eo quod ad nos, quam p̄f. R. de eo quā ad ipſum pertinet in p̄miſſis, et vlterius faciat et recipiat qd̄ Curia conſideraverit in hac parte, tunc ipſum I. a priſona nr̄a p̄dict̄ deliberari fac' per manucapt̄ huiuſmodi, ad ꝓſequendum attinct̄ ſupradict̄.

E ¶ Et ſi hõe vouch. en Preç' qd' redd' vn q̄ ent̄ en le garr̄ & plede, & p̄de p faux verdict, il aſſa Attaint, & le bꝛe fra mẽtion de ē vouch. Et iſſint ſi home pꝛie deſt̄ reſceu pur def. del t̄ a term̄ de vie, & eſt reſceu, & pleð & perð p faux verdict, il aſſa bꝛiefe Dattaint, & le bꝛiefe fra mention del reſceu.

F ¶ Et iſſint ſil paſſ. enconꝰ t̄ pl̄ p faux verdict, & il pꝛt Attaint le bꝛe ferra mẽtion del vouch. &c. & del reſceit, & iſſint ſi cẽp ē reũſion ioindꝛ al t̄ a ferme de vie p aid p̄er, & vs pð, p q̄ cẽp ē reuerſ. pꝛt Attaint, il ferꝛ mention ē le bꝛiefe del eide p̄er, & aury en Aſſ. ſil ſoit diſconꝰ, & puis Reattachm̄t ſue, & il pð p faux verdict, le bꝛiefe de Attaint ferꝛ mention del Reattachm̄t, pur ceo q̄ il remue loꝛiginal del Aſſ.

G ¶ Mes ſi le def. en bꝛief de Detin̄ pꝛia garniſhm̄t, q̄ dict & plede, & le pl̄ pð, p q̄ il pꝛt Attaint vers le garniſh. le bꝛe del Attaint ferꝛa mention del garniſhm̄t. Ceo ē bien debate M. 9. H. 6. quod vide en le title de Attaint en les abꝛidgem̄ts, Mez ſauant ioꝑ del lieur, il ſemble q̄ le bꝛief Dattaint ferꝛ mention del garniſhm̄t &c. car le def. en bꝛief de Detinue, q̄ ſuiſt le garniſhm̄t eſt en mañ hoꝛs de Court. Et q̄n le garniſh. vient, le pl̄ count ſur ſ̄ oꝛiginal bꝛiefe, q̄ eſt le bꝛiefe de Detinue, & le garniſh. reſpondꝛa a ceſt count, & le bꝛiefe de Garniſh. eſt foꝛſqꝫ a faire ſup a veñ eins a reſponder al pl̄ a ſon oꝛiginall & a ſon count, & quant il vient & plede, il pleð al count le pl̄ que eſt ſur ſon oꝛiginall, per que le plee entre le pl̄ & le garniſh. eſt ſur loꝛiginall pl̄ come ſemble, Tamen quære.

H ¶ Et ſi home pleð fait en barre, en q̄ teſtm̄ ſont, & le fait eſt dedit, p q̄ pꝛoces eſt agard vers les teſtm̄, q̄x ioinder al enqueſt, & troue le fait le plaint̄, oꝛe il nauera Attaint eo pur ceo q̄ les teſtm̄ affirm̄ le verdict oue lour teſtimoñ &c. Mes ſil ſoit troue nient ſon fait, donqꝫ lauter partie auera

Attaint, car les testm̃ ne poient testifie le negat, mes del affirmatiue ils poient aū notice sil soit s̄ fait ou non. Hōe aūa Attaint en case especial, lou chn̄ parol del verdict est voyer, sicōe hōe ad ewe cōmon append̄ a sa ter̄ de tēps dont memorie ne curt, & il pozt Ass̄. de cōmon, & fait title q̄ il ad ewe cōmon &c. de temps dont &c. sans parler del append̄, & troue est p̄ luy, ozc le party def. aūa Attaint, car le title le pl̄ est p̄ cōmon en grosse, & nēy cōmon append̄, & vnt̄ les parolx del verdict sont voyer, q̄ il ad ewe cōmon de tēps dont &c. mes nēy en tiel maū come serra pzis p̄ le title.

¶ Et illint si hōe ad rent cōe sozester en fee de tiel sozest de temps dont &c. & en Ass̄. de cest rent il fait title a t̄ q̄ il ad ewe rent hozs del dit tre de temps dont &c. sans parler cōe sozester en fee ū &c. & troue est p̄ luy, laut̄ party aueū attaint sur cē verdict, coūt q̄ les parolx del verdict sont voyer, car il nad ewe tiel rent p̄ p̄script̄, come serra intend & pzis p̄ son title. ¶ Si home reū outragious daū p̄ verdict, mes il rel̄ parcel des daū auant iudg. & ad iudg. del residue, ozc le partie def. naūa Attaint pur ceux daū q̄ sont illint rel̄.

¶ Et en bzief de Wast, le pl̄ aūa bzief denqrer de Wast, q̄ doñ faux verdict, per q̄ le pl̄ recou̇: ozc le def. auera Attaint per tout le Court de ceo M. 2. H. 4. Mes ceo ne scay veyer coūt ceo poit estre garrant̄ p̄ alcun estate, q̄ done lattaint, pur ceo q̄ le bziefe est ag. per office de Court denquirer &c. per sacramentum proborum &c. & le Viē poit enquirer per le seremt̄ de vi. ou viū. persons de cest wast, & nest tenus de pzend̄ xij. persons. Quære de cest matt̄. ¶ Le Roy auera Attaint sur verdict passe fauxment inconter luy, cybñ come common persons.

¶ Et en Trñs vers ij. iun vient & pled̄ de rien culp̄, & est troue culp̄, & puis lautt̄ p̄ son vient & plede de rien culp̄, & est troue culp̄ p̄ autt̄ enq̄st: ozc en cē cas le pzimer enq̄st assess. touts les daū pur tout le Trñs, & la le def. en le darreine enquest aūa Attaint des daū assess. p̄ le pzimer enq̄st sils sont outragious ou excess. &c.

¶ Tenant p̄ statute marchant aūa Attaint, sil soit barē en ass. p̄ faux verdict ou troue vers luy per faux verdict, lou il est del. en ass.

¶ Si home recouer en Præcipe qđ redd̄ vers vn tenant per faux verdict, si le tenant auera Attaint auant execuū sue vers luy ou nemy, ad estre diuers opinions, vide de ceo ann. 41. E. 3. libro Assisar̄, & anno 21. H. 6. folio 60. Mes lestat̄ de

anno 1.E.3. done, que home auera Attaint des dañs auant execūc sue de eux, auant q̄l statute semble q̄ il ne puit auer Attaint de ceux. Mes in temps E. le primer, le def. fue Attaint pur dañ sur faux verdict done vers luy en bře de Trńs auant que le pl̄ sue execuc des dañs. Qđ vide en le title de Attaint en les Abridgements, tempore E.1. Et auxy per m̄ le reason, si home recou̇ terre, le tenant nad Attaint auant execuc, & Nontenur ad estr̄ pled & admit done plee en Attaint diuers temps. Et dauter ptie, si le tenant nauera Attaint auant execuc sue, ou entre tait per le dvant ou son heire, donqz per case ils ne voil enter tanqz les Jur̄ fuer morts, & donqz le tenant serra sans remedy p lattaint.

H ¶ Si home recouer en Attaint que suit tenant, le iudgemt serr̄ q̄ il serr̄ restore &c. & ceo ne puit estre, si le dvant nauer entr̄ qđt il est r̄ luy m̄ ne possessi. &c.

I ¶ Sęble a moy le meliorꝛ opiń en Trńs le def. pled villenage en le pl̄ &c. & fuit troue frank, as dañ de ij. s. le def. nadia Attaint pur le petitnes des dañ &c. Mes en Pr̄ qđ r̄, si le r̄ pled nontenur̄, & troue vs luy, il aūa Attaint &c.

K ¶ Attaint serra maint̄ vs le r̄ del terr̄, sans nolim̄ cesty q̄ suit party al recorꝛd. Aut est en bře de Record, car r̄ serr̄ sue vers cestuy que fuit party, ou s heire, ou executor, si suit sur personall action, auterm̄t il abatera.

L ¶ Attaint ne gist p faux verdict don̄ en appeal de Mayhem, ou appeal de felony, ou murder.

M ¶ Attaint puit estre sue en cōmon bank, si le recorꝛd soit la, ou puit estre sue en bank le roy sur faux verdict done en common banke, si le record soit remoue in bank le roy.

¶ Et ret̄ fuit en Ass. pozt en bank le roy, & puis cest recorꝛd fuit maund̄ en cōmon bank, & le party sue Attaint sur cest recorꝛd en cōmon bank, qđ vide en title Dass. an 8.E.3. Itinere Kanc'.

N ¶ Attaint fuit sur sur faux verdict done vers le def. ioint claime libertie, & adiudge q̄ il aūa ceo. H.15.H.3.

O ¶ Et le bř de Attaint puit estre sue hors de cōmon bāk, ou banke le roy, sur faux verdict done en m̄ le court, eibun come hors del Chaunt̄, quod vide an 30.E.1. Itinere Cornub.

P ¶ En bř Dent̄ port en Suss. le def. pled ret̄ en Lōd, & fuit trone vers luy en Lond̄, p q̄ il pozt Attaint en Lond̄, et fuit maint̄, qđ vide M.18.E.1.

Q ¶ Et si le roy recō p faux verdict, il aūa Attaint vs le petit

iuri

tñ̄ soleñt, come si le roy recou̇ per erronious ꝓces &c. le partie aũa bꝛieue Derror del iudg. & ne nosme le roy, pur ē q̄ il est touts dits ꝑlent en son court. ¶ Le vouchee ou ē ꝑ releeit, ou cesty en reũsiõ lou il ioiñ a ē a termñ de vie ꝑ aid ꝓier, aũa Attaint sils ꝑde ꝑ faux v̄dict. ¶ Et si ē a ẽme de vie ꝑde ꝑ faux verdict, cesty en reũsion aũa Attaint ou bꝛe Derror viuant le ē a terme de vie per lestat fait añ 9. H. 2. cap. 3. ¶ Et en trñs si le def. pleð villeiñ en le ꝑl, & il dit q̄ il est frank, & troue est frank per faux verdict &c. et puis le def. deuie, ozе son heire auera Attaint dauoiñ̄ cest estoppel & faux verdict, coment que il fuit doñ en action ꝑsonal. En Attaint sur rec̄ en Prec' qđ reddđ le def. pleð nontenure, & le dõt dit q̄ il fist fefemñt as ꝑsõs disconus &c. & que il pozt iacē deins ian, & oue ē, q̄ il voit aũk, q̄ le def. ꝓist les ꝑfits iour de bꝛieue parchas, & le def. dit q̄ il ne ꝓist les ꝑfits &c. ozе cest issue serra trie per le Attaint, et sils doñ faux serement, il auera Attaint sur cest verdict per Newton, come en bꝛief de droyt le tenant plede garē collateral fait deins ñ le county, il serra trie ꝑ ñ le graund ass. et sils done faux verdict, il auera Attaint pur ceo que est hozs del point dassis ꝑ Newton, T. 21. H. 6.

¶ Nonsuit en Attaint apꝛes apparance est pemptore, et naũa nouel Attaint apꝛes, et issint sur retraxit. si le dõt dit q̄ il ne voile pluis suer son Attaint, et ceo est enk de recozð, il naua auk Attaint apꝛes. ¶ Si hõe ad vn Præc' qđ reddđ vers diuers, per seueral Præc', & troue est vers le demanð ꝑ enquist, il auera vn bꝛieue Dattaint vers les tenants &c. mes si soit troue vers les ēs, il auera seueral Attaints, car quant as ēs il est come seuerall enquest a trier lour issues seueralment. ¶ Si le dõt soit barre en Formed' per faux verdict, et puis relest. touts acē ou tout son dꝛoit en le ẽre, vncoze son heire auera bꝛieue Dattaint, nient obstant cest rel'. ¶ Et issint si le pere soit nonsue sur Lattaint sur bꝛief sue de Formdon, son heire auera Attaint.

¶ Et home auera Attaint sur Ass. ꝓis deuant Justiē en Oier, sans bꝛieue oꝛiginal, sur bill' soleñt sue deuant ñs les Justiē &c qđ vide T. 5. E. 2.

¶ Si faux verdict soit done en Assise de No. diff. donqꝫ si le ꝑl voile suer Attaint, il poit aũ tyel bꝛieue.

¶ Rex vic' Linc' saluē. Si A fecerit te securū tunc sum̄ &c. 24. milites de visñ de S. quod sint coram Iustic' nostris ad primam assisam, cum in partes illas venerint: Vel sic ꝯ dilectis

dilectis et fidelibus nr̄is R. de W. et B. de F. et hijs quos ſibi aſſociaũimus ad certos &c. quos idem R. et B. tibi ſcire fac' parati ſacramẽto recogn̄, ſi I. iniuſtè et ſine iuditio diſſeiſiuit præf. A. de liberto teneméto ſuo in S. vel de cõ̃a paſturæ ſuę in S. quæ pertinet ad liberũ teñtũ ſuum in eadem villa, poſt primam transfretationem dn̄i H. regis, filij regis I. in Vaſconiam, vnde idẽ A. queritur qd' iuratores aſſiſæ Nouæ diſſ que inter eos ſum̄ fuit et capta coram nobis apud W. per breue noſtri ũ, vel corã præf. R. et B. vel coram dilect & fidelibus nr̄is W. de H. et ſocijs ſuis Iuſtic' nr̄is vltim̄ itinerant apud L. in com̄ tuo per breue noſtrum, falſum feceř ſacramentũ, et interim diligentèr inquiras, qui fueř Iuratoř illius aſſ. et eos tunc hẽas coram pręſ. Iuſtic' ad p̄f. aſſ. vel coram R. et B. Et ſum̄ &c. p̄d̄ I. *vel ſic :* præd' I. H. qui præd' tenem̄ta nunc tenet : quod tunc ſit ibi auditur̄ illam recognitiȭ, et habeas ibi nomina Militum, & hoc br̄e.

K ¶ Et ſi home perȭ p faux ỏdict en aſſiſe deuant Juſtic̄ dall ſil voit' ſuer Attaint deuãt meſmes lez Juſtic̄, il conient ſuer vn patent, direct as m̄s les Juſtic̄, de doner eux authoꝛitie a teñ plæ ſur ř, ou poit ſuer patẽt direct as aũs Juſtic̄ a teñ plæ ſur ř bꝛief Dattaint, & le foꝛme del patent

L eſt tiel. ¶ Rex dilectis et fidelibus ſuis R. & B. ſalutem. Sciatis qd' conſtituimus vos &c. Iuſtic' noſtros, vna cum hijs, quos vobis aſſociauimus ad iurat̄ xxiiij. Milit̄ capiend', quam A. arrain̄ coram vobis p̄ br̄e n̄r̄m verſus I. ad conuincend' Iuratoř in Aſſiſa nouę diſſeiſiñ, q̄ int̄ eos ſum̄ fuit, et capta corã vobis apud W p̄ br̄e n̄r̄m de teñtis in S. vel de cõmunia paſtuř in S. *vel ſic :* coram vobis p̄f. R. et dilecto et fideli noſtro S. nup̄ Iuſtic' nr̄is &c. apud W. p̄ br̄e n̄r̄m de teñtis in S. et ideo vobis mandamus, q̄ ad certos &c. prouideritis iurat̄ illam capiatis, factur̄ inde quod ad iuſtitiã p̄tinet ſcd̄m legẽ et conſuetudinem regni nr̄i : ſaluis nobis amerciam̄tis inde prouenient̄. Mandamus enim Vic' noſtro Lincoln̄, quod ad certos diem et locum, quos ei ſcire fac' iurat̄ illam coram vobis venire fac'. In cuius rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte &c.

¶ Et home aũa bꝛiefe de Attaint ſur faux ỏdict en Aſſiſe de Nuſance, Quare leuauit vel p̄ſtrauit quoddam ſtagnum in N. &c. vel quoddam foſſatum, vel quandam ſepem, vel diuertit curſum aquę in N. ad nocumentum &c. in eadem villa : et le foꝛme del bꝛiefe eſt en le Regiſter, et eſt tiel.

¶ Si A. &c. tunc ſum̄ &c. parati ſacramento recognoſcere,

ſi l.

¶ Iniuſtè & ſine iuditio leuauit, vel proſtrauit quoddam ſtagnũ in N. vel quoddam foſſat, vel quandã ſepem, vel diuertit curſum cuiuſdã aquæ in N. vel arctauit, vel obſtruxit quandã viam in N. ad nocumentũ &c. in eadem villa, poſt primam &c. vnde idẽ A. queritur, qd' iuratores aſſ. quæ inter eos ſum̃ fuit & capta coram &c. apud N. per breue noſtrum falſum &c. et interim &c. et ſum̃ &c. Et habeas &c.

¶ Et eſt rule en le Regiſter, q̃ en Attaint ſur Aſſ. de No. diſſ. deuãt le roy, ſerra mis cert tour, cõe en Aſſ's. die Lune, vel alio die, in craſtiñ, vel in octauz, vel in quindeñ Paſc. mes il conẽt q̃ le t eit garniſhm̃t p 15. tours en lattaint, car le ſta. ne doſt my meinꝺ tme foꝛſꝫ ſoleñt en aſſ. deuãt le roy. A

¶ Et eſt auter foꝛme del bꝛiefe, ſi Aſſ. ſoit adioꝛne en cõmon bank, & la pꝛis deuant les Juſtices en cõmon banke, & le bꝛiefe appiert per le Regiſter. B

¶ Et auter foꝛme de bꝛiefe Dattaint eſt, lou Aſſiſe eſt poꝛt vers baron & feme, & la feme eſt reſceu per default ſa baron, & plede & perde per faux verdict. C

¶ Et auter foꝛme de bꝛiefe de Attaint eſt, lou le tenant en Aſſ. plede releas le pl̃, ou de ſon auncеſter, en barre daſſ. q̃ eſt troue vers luy per faux verdict. D

¶ Et auter foꝛme de bꝛiefe de Attaint, lou le v̈dict paſſe per Niſi prius hoꝛs de common bank le roy. E

¶ Et auter foꝛme de bꝛiefe de Attaint, lou Aſſ. eſt ſum̃ deuant certein Juſtices, et puis il eſt pꝛiſt deuant auters Juſtices p geñal cõmiſſion, & faux verdict done en ceo. F

¶ Et aut̃ foꝛme de bꝛ̃, ſi Aſſ. ſoit ſum̃ deuãt diũs Juſtic̃, & puis eſt pꝛis p alcũ de eux p v̈tue de bꝛief de Si non oés, donq̃ le ptie añ a bꝛief Dattaint, reherſant t̃ matter &c. G

¶ Et ſi hõe ſur v̈dict done en Aſſ. deuãt Juſtic̃ daſſ. ſue Attaint deuãt m̃s les Juſtices, ou aut̃s Juſtic̃, il poit aſi bꝛ̃ de Aſſociation direct as m̃s les Juſtic̃, deuãt q̃ur lattaint eſt ſue, & le bꝛ̃e de Si non omnes, cõe il añ a en aſſ. &c. q̃ fuit pl̃ la, & il añ a bꝛ̃ patẽt direct a ceſty q̃ eſt aſſocie &c. les q̃urs bꝛ̃es appeaꝛ en le Regiſter apꝛes les bꝛ̃es daſſ. de Nouel diſſ. Mes il appiert p vn bꝛ̃e en le Regiſter, q̃ fuit vn conſtitut̃ fait, q̃ voit, q̃ les Aſſ. & Juꝛ̃, & certificat̃ ſerra pꝛiſe deuãt les Juſtic̃ cõmuneñt aſſignes: Per q̃ ſemble q̃ hõe naũ Attaint ſur faux verdict done en Aſſ. mes deuãt les Juſtices daſſ. ou deuãt les Juſtic̃ de cõmon bãk, ſi le recoꝛd ſoit remoue la, ou deuãt Juſtic̃ de bank le roy, ſi le recoꝛd ſoit remoue deuant le roy, & le bꝛieke eſt tiel. H

¶ Rex

¶Rex dilect' et fidel' ſuis F. et G. de E. ſalutem. Licet nuper conſtituerimus vos Iuſtic' nros ad iuratam viginti et quatuor Militū capiend', quam I. que fuit vxor E. arraiñ coram vobis p̄ breue nr̄um verſus E. que fuit vxor A. de L. ad conuincend' iuratores Aſſ. no diſſ. que inter ipſum A. & præf. I. et alios &c. ſum̄ fuit et capta apud L. coram dilect' et fidel' nr̄is R. et B. nuper Iuſtic' nr̄is apud aſſ. &c. aſſignā p̄ br̄e nr̄um de teñtis in S. Quia tñ conſtitutio præd' facta fuit contra formam ſtatuti noſtri apd' Northampt' nup̄ editi, in quo cōtinetur, qd' aſſiſæ, iuratæ, et certificationes corā Iuſtic' communiter aſſignā, et non alijs capiantur: Quod quidem ſtatutū in omnibus & ſingulis ſuis articul' volent inuiolabiliter obſeruari, Vobis mandamus, qd' de captione iuratæ p̄d' prætextu comminiſſ. noſtræ ſic fact', vos nullatenus intromittatis. Teſte &c. Quod quidē ſtatut' fact' fuit añ 2. E. 3. Regis Angl' cap. 2. **p q̄ appiert, q̄ il naūa br̄e de Attaint p cōmiſſion &c. deuant auters Juſtic', mes ſolem̄t deuant Juſtic' del aſſ. ou en cōmon banke, ou en bank le roy, cōe eſt dit auant.**

I ¶ **Et le forme de br̄e Dattaint ſur rediſſeiſin eſt tiel.** ¶Rex vic' &c. Si R. fecerit &c. tunc ſum̄ &c. xxiiij. legal' milites &c. *vſque ibi.* parati &c. Si iuratores per quos quedam inquiſitio capta fuit coram E. tūc vic' com̄ tui, et cuſtod' placitorū coronę nr̄ę eiuſdē com̄ p̄ breue nr̄m apud W. inter R. et p̄d' B. de quadam rediſſ. eidem R. per præf. B. fact', vt dicit', de vno meſuagio et ix. acr' terrę cum p̄tiñ in W. falſum fecerunt ſacramentum ſicut idem R nobis grauit' querend' monſtrauit, et interim diligenter inquiras, qui fuer' iuratores illi⁹ inquiſitionis &c. et eos tunc habeas corā p̄f. R. et I. Et ſum̄ præd' B. qd' tūc ſit ibi ad audiēd' ill' recognic', et hēas ibi ſum̄ &c. **Et ſēble q̄ ceſt briefe Dattaint couient eſtre ſue deuant les Juſtic' daſſ. del dit com̄, & que ils auera patēt a cux direct p̄ ceo, & q̄ le record ſerra port deuant eux: Mes ſi le record ſoit remoue en cōmō bāk, dōcq̄ ſēble q̄ il añ̄a ſon Attaint la.**

K ¶ **Et appiert per Glanduile, que hōe auera Attaint, & le maner coment les Jurors ſerra puniſh.**

L ¶ **Et ſi aſcuns Jurors ſoient conuict de faux ſerem̄t, ils ſerra mis al priſon, & donq̄ ils couiēt ſuer al Roy de faire fine pur le impriſonm̄t &c. Et quant ils ſont agrees ouc le Roy, ils poient ſuer briefe de remouer le record auāt le roy en ſon bank, et le briefe ſerra tiel.** ¶ Rex dilectis E. et ſocijs ſuis &c. ſalutē. Cum W. de M. et alij de falſo ſacramēto p̄ ipſos facto in quadam inquiſitione capta apud W. coram W.

de

de B. et ſocijs ſuis nuper Iuſtic' dñi Regis &c. de banco ꝑ bꝛe nꝛum inter R. peteñ et W. de M. tenent̃ de mañio de B. cum ptiñ, excepto vno gardino in eodẽ maner̃, coram dilectis et fidelibus nꝛis W. de B. & ſocijs ſuis &c. de banco, per quandã iuratam xxiiij. conuicti fuiſſent, et ea occaſione priſonæ nꝛę de Fleete adiudicat̃, ac bona et catalla ſua, terr̃ et teñta ſua in manu noſtra ſeiſita, nos record' et ꝓceſſum negotij p̃dict̃ cum omnibus ea tangeñ, vna cũ corporib⁹ p̃d̃ W. et aliorum coram nobis certis de cauſis venire fecimus, ac iam ex parte ipſius W. nobis eſt ſupplicat̃, et cum ipſe in priſona hm̃di occaſione p̃miſſorum iam diu detentus fuiſſet, et adhuc exiſtat, velimus ab eo rationabil' finem ꝓ impriſonam̃to illo, bonis et catallis, ac terris et teñtis ſuis p̃dict̃, ac etiã ꝓ eſtrepam̃to terrarum et teñtorum p̃dict̃ recipere, ipſum a priſona, qua ſic detinetur facer̃ liberari: Nos ſtatui eius compatientes in hac parte, ac volentes eidẽ W. gratiam facere ſpecial': Vobis mandamus, qd̃ viſis record' et ꝓceſſu p̃d̃, et habita conſideratione ad valor̃ bonorum et catallorum, terrar̃ et teñtorum p̃dict̃, ac eſtrepament̃ eorundẽ rationabilẽ finem de eodem W. ꝓ eo qd̃ ad nos ꝑtinet in hac parte recipiatis, & ipſũ W. a priſona, qua præmiſſa occaſione detinetur deliberari, et ei bona et catalla, terras et teneñta ſua in manu nꝛa exiſtentia ſic liberari faciatis ꝓ finem ſupradict̃. Teſte &c.

¶ Et ſur ẽ le party fra ſon fine, come les Iuſtic̃ de bank le Roy voile aſſeſſe ꝓ lour diſcretion, & ſur ceo ils grantera bꝛiefe a luy deliuer̃ ſes bñs & terres, & de deliuer luy hoꝛs de pꝛiſon, q̃l bꝛiefe ſerra tiel.

¶ Rex Vic' &c. Cum W. de M. vnus iurator̃ in quadam inquiſitione capta apud W. coram W. de B. et ſocijs ſuis Iuſtic' dñi Regis &c. *vt ſupra, vſq; ibi,* Iuſtic' nꝛis de banco ꝓ breue nꝛum de talło ſacram̃to ꝓ ipſum W'. facr̃ ꝓ iurat̃ xxiiij. Milit̃ conuict̃ fuiſſet, et ea occaſione priſonæ nꝛæ adiudicat̃, bona et catalla, necnon terræ et teñta ſua in manu nꝛa ſeiſit̃ ſunt, nobis conſtat per inſpectionẽ record' et ꝓceſſ'. prædict̃ quæ coram nobis venire fecimus, Ac idem W. poſtmodũ veniſſet in Cur̃ noſtra coram nobis, et finem fecit nobiſc' ꝓ impriſonam̃to p̃dict̃, et terris et teñtis ſuis habendis: Tibi p̃cipimus, qd̃ omnia terras et teneñta ipſius W. ſi ea occaſione et non alia in manu nꝛa exiſtant, eidem W. ſine dilatione rehabere fac', et de corpore ipſi⁹ W. capiend' occaſione p̃dict̃ omnino ſuperſed'. Prouiſo tamen qd̃ de valore terrarum et teñtorũ p̃dictorũ à tempore iuditij ſup veredicto iurat̃ p̃dict' reddi-

tus

tus vsque ad datum istius breuis, & etiam de estrepamento eorundem cum inde inquisitio fuerit nobis respondeas, Teste *W. Thorpe* &c. Anno 6. Rotulo 104.

A ¶ Et sont pluisours maners des formes des briefs de Attaints, queux ne sont escries cy, pur ceo que home les put veyer ia.

53 Breue de Audiendo & terminando.

B BRiefe de Oier et terminer ne serra appel pperūt vn brē, mes il est vn Commission direct as certeine persons qūt vn graund assembly, insurrection, ou vn heynous demeanor ou trespas est cōmit & fait en ascun lieu, dongs le maū & vse est de faire tiel Cōmission doyer & terminer tiels misbehaviors, & l'statute fait An. 2. E. 3. cap. 2. voit, Que nul Commiss. doyer & termiñ soit graunt forsqs deuant Justic de vn bank, ou del auter, ou les Justices errants, & ceo pur horribles trūs, & de special grace le Roy, solongs le forū del statute de ceo ent fait en temps Iapel le dit Roy E. 3. & le forme del Commission est tiel.

C ¶ Rex dilect' et fidel' suis A.B. et C. salut, Ex graui querela D. accepimus, quod E. F. & G. ac quidam alij malefactores & pacis nre pertuibatores in ipsum D. apud N. vi & armis insultum fecerunt, et ipm verberauerunt &c. ita quod de vita eius desperabatur, et alia enormia ei intulerunt, ad graue damnum ipsius D. et contra pacem nram. Et quia transgr si aliter perpetrata fuerit, relinquere nolumus impunitam: Assignamus vos & duos vestrū Iustic' nros ad inquirend per sacramentum proborum et legalium hoīm de com Lincoln, p quos rei veritas melius sciri poterit, de noibus malefact pd qui vna cum pref E.F. & G. transgress. illam ppetrar, et de transgr pd plenius veritatem, et ad eandem trānsgr audiēd & terminand, scdm legem et cons. regni nri. Et ideo vobis mandamus, quod ad certos dies et loca, quod vos vel duo vrm ad hoc ꝑuideritis, inquisitionem illā faciatis, et transgr illam audiatis & terminetis in forma pd fact' qd ad iustitiā ptinet scdm legē et cons. regni nri: saluis nobis amerciamēt & alijs ad nos ind spectant. Mandam⁹ enim vic' nostro com pd, qd ad certos dies et loca, quos vos vel duo vrm ei sciri fac', veñ fac' coram vobis vel duob⁹ vrm, tot et tales probos et legales hoīes de ball' tua, per quos rei veritas in pmissis melius sciri poterit et inquiri. In cuius rei testim &c.

¶ Et

¶ Et le rule en le Regiſter eſt, q̃ ſi ceſt clauſe, Ac quid' alij malefactor̃ &c. ne ſoit miſe en le commiſſion auantdit, donques en le fine ſer̃ ceſt clauſe, Per quos rei veritas melius ſciri poterit, de tranſgr̃ prædict̃ plenius veritat̃ ad eandem tranſgr̃ &c. Et le fozme del bzeue q̃ ſerra direct al Mir̃ ſur ceſt commiſſion eſt tiel. A

¶ Rex Vic' &c. Et graui quærela D. &c. *vt ſupra, vſq; ibi* aſſignauimus dilect' &c. A. B. & C. & duos eorum Iuſtic' nr̃os, ad inquirendum p̃ ſacramtum p̃borum & legalium hominũ &c. *vſq; ibi*, audiend' & terminand' ſcd̃m legẽ et conſ. regni nr̃i. Et ideo tibi p̃ciſ, qd̃ ad certos dies et loca, quos ijdem A.B.& C. tibi ſcire fac', venir̃ fac' coram eis vel duobus eorũ, tot & tales p̃bos & legales homines de balliua tua, per quos rei veritas in premiſſ. melius ſciri potent & inquiri, & habeas ibi hoc breue &c.

¶ Et le Roy puit faire bzeue de aſſociac', diect as Iuſtic̃ de oier & termiñ, de admitt̃ ceux en lour cõpany, q̃ le roy ad aſſociat a eux, & eſt tiel. B

¶ Rex dilectis A.B.& C. Sciatis qd' cum nup̃ ad q̃remoniam D. nobis ſuggerent̃, qd' E.F.& G.& quidã alij malefact', & pacis nr̃æ p̃turbatores &c. *vſque* &c. impunitã: Aſſignamus vos & duos vr̃m Iuſtic' nr̃os &c. *vſque* ad audiend' & t̃minand', ſcd̃m legẽ & cõſ. Aſſignauimus vobis vel duobus vr̃m, dilect' & fidel' nr̃m H. ad p̃miſſ. vna vobiſcũ vel duobus vr̃m faciend'. Ita t̃ñ qd' ſi ad certos dies & loca, quos vos vel duo vr̃m ad hoc p̃uideritis, ipm H. adeſſe contigerit, tũc ipſum ad hoc in ſociũ admittatis in form̃ p̃d'. Mandamus enim eid' H. quod vna vobiſcum, vel duobus vr̃m ad hoc intendat, ſicut p̃d' eſt, Teſte &c.

¶ Et le fozme de bzeue de Aſſociation, q̃ ſerra direct a cẽy q̃ ſerra aſſociat as Commiſſioners eſt tiel.

¶ Rex dilecto & fideli ſuo H. ſalutem. Sciatis qd' cum nup̃ ad queremoniã D. nobis ſuggerẽtis, qd' E.F. et G. ac quidam alij malefactores &c. aſſignauimus dilect' &c. A.B. & C. & duos eorum Iuſtic' noſtros, ad inq̃rendum &c. *vt in patent' vſque ibi*, terminand' ſecundũ legem &c. Aſſociauimus vos præf. A.B.& C. & duobus eorum ad premiſſ. vna cum eis vel duobus eorũ faciend', ita t̃ñ qd' ſi ad certos dies & loca quos ijdem A.B.& C. vel duo eor̃ ad hoc prouiderint, vos adeſſe contiger̃, tunc vos ad hoc in ſocium admittant, alioquin A. B.& C. vel duo eorum (non expectata p̃ſentia vr̃a) ad p̃miſſ. faciend' p̃cedãt. Et ideo vobis mandamus, qd' ad p̃miſſ. vna cum præf. A.B.& C. vel duobus veſtrum intendatis in forma

præ-

prædicta factur̃ &c. saluis nobis &c. Mandamus enim eisdem A.B. et C. qđ vos ad hoc in sociũ admittant, sicut p̃dict̃ est.

C ¶ Et donqz le Roy puit manđ aut̃ bziek as dits Justic̃ de Oier et termin̄, ỏ p̃ceđ, com̃t q̃ touts les Justices ne deigñ al tour de sessions, e ceste bzieke est appel bziek de Si non oés &c. e serra direct cybñ a cẽy Justice q̃ serra illint associate cõe a les auꝰ Justic̃ Doier et termin̄, e serra tiel.

¶ Rex dilect̃ A.B.C. et H. salut̃, Cum nup ad quẽremoniam D. nobis suggerẽtis, qđ E.F. et G. ac quidã alij malefactores &c. *vsque ibi*, contra pacẽ nr̃am, assignauerimus vos p̃f. A.B. et C. et duos vr̃m Iustic' nr̃os &c. *vsque ibi*, audiend' et terminand' scđm legem & consuetud' regni nr̃i, et postmod' associauerim⁹ vobis p̃f. A.B. et C. et duobus vr̃um p̃fat̃ H. ad præmiss. faciend' e Vobis mandam⁹, qđ si vos omnes p̃miss. faciend' commode interesse non possitis, tunc vos tres vel duo vestrũ quos p̃sent̃ esse contigerit, ad præmiss. faciend' scđm legem &c. p̃cedatis, Teste &c.

D ¶ Et sic le Roy fait Cõmiss. de Oier et terminer A.B. e C. e puis per aut̃ bzieke il associe a eux J. de H. que est admitt̃ &c. e puis J. de H. mozust, ozc le Roy poit fair̃ nouel association de auters psons, e a lez pzimers Justic̃, issint q̃ association serra grant e fait aꝑs association, e il puit faire associat̃ de deux ou trois psons al les pzim̃ cõmissioners, ou a ceux q̃ sont en vie des pzimer cõmissioners de continuer le p̃ces, e de p̃ceđ de Oier et terminer tout cel matt̃, e q̃ ilz admitt̃ ceux q̃ sont associez &c. ou ỹ. ou alt̃ de eux one eux de p̃ceđ̃ sur cẽ matt̃, e tiel bzieke est en le Register. Et p ceo appiert, q̃ p le mozt dalt̃ des cõmiss. ou de alt̃ de eux q̃ sont associe, le matter ne serra discontinue, e le bziek del associat̃ serra patent, e le bzief direct as Just. Doier et terminer de admitt̃ les auters en lour societie serra close.

E ¶ Et si treis soit fait a vn en le confin̄ de deux counties, donqz le party puit suer cõmiss. de Oier et terminer, direct a cert̃ persons de Oier et termin̄ cẽ matt̃, e le fozme serra tiel.

¶ Rex dilectis &c. Ex graui quærela D. accepimus, quod G. bona et catall' ipsius D. ad valenc' centum libraꝝ apud M.R. & N. quæ sunt in confinio Com̃ Norff. et Suff. inuent̃, vi et armis cepit & asportauit &c. *vsque ibi*, Iustic' nostri ad inquirendum per sacrament̃ p̃borum et legalium homin̄ de Com̃ prædict̃, p quos &c. Mandamus enim Vicecomitibus nostris Com̃ prædict', quod ad certos dies et loca, in confinio Com̃ prædict', quos &c. coram eis in confinio eorund' Com̃, tot

&

& tales probos & legales homines &c.

¶ Et les bñs direct al viē ō ceux ꝙ. cōtīes ſe tra cloſe. A

¶ Et commiſſion de Oyer & terminer fuit graunt ſur reſcous fait al bailie le Roy, lou il diſtreine pur det ou añciaments de Roy, & reſcous a luy eſt fait &c.

¶ Et le Roy puit grañt certein commiſ. Doier & t̄miñ diuers treſpaſſes fait p aſt̄ plon al ſugg. de diuers plons, ſans noſmer aſt̄ en le commiſſion, & donqz le foꝛme del cō-miſſ commence en tiel maner. B

¶ Rex dilect' &c. Ex clamoſis querimonijs diuerſorum hominum de com̄ N. ad noſtr̄ ſepi⁹ puenient̄ audit̄, quod A. Epiſcopus Winc' &c. plur̄ & diuerſas oppreſſ. &c. Et il auera ſemble bꝛieſe al viē de reſt̄ le panel.

¶ Si home ad ſes bñs & merchand̄ en aſcun ſhippe ou veſſel ſur le mere, le quel veſſel p tempeſt eſt enfrient, et les biens ieet ſur la t̄re, q̄ ne ſont ſwꝛeckes, pur ceo que certein plons veneſt̄ en vie al terre, & les merchandiſes ou biens ſont pꝛiſes p cert̄ miſſeaſoꝛs ntent con⁹ &c. le ptie puit añ commiſſion doier & termiñ, direct as certein plons en ceux ꝓties denq̄rer de ceux q̄ ont fait le treſpas, & doier & t̄miñ, & de faire reſtitu' al ptie, & bꝛieſe al viē de reſoꝛmer ꝓbes & loials homes &c. deuant les dits Juſtic' &c. C

¶ Et home poit auer Oier & terminer denq̄rer des ex-toꝛtiōs, oppꝛeſſions, & autꝛs miſdemeanoꝛs, retoꝛnable des ſouthuit̄, eſchetoꝛs, baililes, & Clerks de viē, & touts autꝛs officers, al complaint ou fuit de cheſt̄ q̄ voit ſuev &c. Et bꝛe al viē de reſt̄ panel &c. as dits Juſtices. D

¶ Et auꝛy le Roy poit direct ſ bꝛe as Viē, ou as Maioꝛ & Bailies, de faire a tant q̄ en eux eſt ou appꝛtient de amo-uer tiels de lour office, ſur q̄ eſt ſuppoſe q̄ aſcun plon voilt compleiner. Ou q̄ il ne mitter tiels & tiels en aſcun office tanqz q̄ il ſoit inquite de lour geſture ou demeanoꝛ &c. E

¶ Et ſi home ſuiſt commiſſion Doier & terminer vꝛs di-uers perſons pur pꝛiſel de ſes biens & chateux, et quant ils eux ont pꝛiſe, ils eux degaſte & diſpend, ou eſloign, don-que le partie que ſue le Oier & terminer, auera bꝛieſe al viē reherſ̄ ceſt matt̄, luy commandant q̄ ils arreſtē les biens, & de eux mitter en ſauegard tanqz que il ſoit autrement pꝛo-nide ou adiudge per les Juſtic' de Oier & terminer, ou per autꝛs Juſtices apꝛes deſtre aſſigne, & ſur ceſt commiſſ. Doier et terminer, ſil ſoit troue pur le plaintife en lact on ſue per luy, les Juſtices poient reſtoꝛe le partie a ſes bñs F

pꝛiſes

pzíſes &c. ou a doñ dañs a luy pur ceux, ſil ſoit trouue pur le pl', & pur ẽ il varie del act̃ de Trñs ſue deuant Juſtices de banke le Roy, ou de common bank.

G ¶ En temps de vacañ de Eueſchery, ſi aſſ̃ perſons chas en les parkes, ou chaſ̃ del Eueſqz, le Roy puit maund̃ ſon Commiſſ. doier & termiñ as certeins perſons de inquirer et doier & termiñ ceo, & le bzeſe eſt tiel. ¶ Rex dilect' &c. Sciat qd' aſſignauim⁹ vos & duos vr̃m Iuſtic' nr̃os ad inqrend' &c. de Com̃ &c. per quos &c. qui malefactoris & pacis nr̃æ perturbator̃ pcos de S. H. & A. in com̃ prędict', poſtquam ipſi ad manus noſtras ratione inſtantis vacationis epiſcopatus Ciceſtr̃ deuener̃, vi & armis freger̃, & in eis ſine licentia & voluntate noſtris fugauer̃, & feras ceper̃ & aſportauer̃, & alia enormia nobis ibid' intuler̃, in noſtri diſpend' & contempt̃, ac contra pac̃ nr̃am, & de tranſgr̃ præd' plenius veritat̃, & ad tranſgreſſ. illas audiend' & terminand', ſcd̃m legem &c. Et ideo vobis mandamus, qd' ad certos dies &c. inquiſic' illam fac', & tranſgr̃ &c. terminetis in forma p̃d' factur̃ &c. Mandamus &c. & inquiri &c. Teſte &c.

H ¶ Et ſi en temps de vacañ Darcheueſcherie, alcuns p̃ſons chaſ. en les parks, & ſuccid̃ les arbzes, & piſcher ẽ les piſcharies del Eueſqz &c. oze quant larcheueſqz eſt fait, le Roy poit maũd̃ & graunter Oier & terminer pur inqrer, & doier & termiñ ceſt trñs fait en temps de vacañ, & le forme del commiſſ. ſerra. ¶ Rex dilect' &c. Ex graui q̃rela venerabil' p̃ris W. Ebor̃ Archiep̃i accepimus, quod q̃dam malefact' &c. pcos &c. (& reher̃ en le cõmiſſ. tout le trñs eſpecialm̃t) & alia enormia &c. in nr̃i contempt̃ manifeſtum, & deterior̃ Archiepiſcopat⁹ p̃d', & dicti Archiep̃i graue damnñ, & contr̃ pac̃ nr̃am. Et q̃a contempt̃ & tranſgr̃ &c. impunitos &c. aſſignauim⁹ vos &c. *uſque ibi*, ad contempt̃ & tranſgr̃ illas, tam ad ſectam nr̃am quam p̃f. Archiep̃i, audiend' & terminand' ſcd̃m legem &c. Et ideo vobis &c.

¶ Mes com̃t ẽ eſtoit oue leſtat de Marleb. q̃ Leueſque aſſa act̃, & punir̃ trñs fait en temps de vacation del Eueſcherie, eſt bõ a veier. Mes il ſemble q̃ il ſerra p̃zis p ceux p̃ oir en leſtat, Qd' ſi rapine alique facte ſunt Abbatibus vel aliis p̃latis eccleſiaſticis &c. Et en le fine del pit ſtat ſont ceux poir, Si aut̃ in trs & ten̄tis hm̃di religioſor̃, de q̃bus eorum p̃lati obier̃ ſeiſiti, vt de iure eccleſię ſue, aliqui ſe intrudant tempore vacationis &c. Il ſemble q̃ p ceux poir, hm̃odi religioſorum, ſerr̃ p̃zíſe, qd' p̃lates, cõe Eueſqz &c. punir̃ trñs

fait

fait en temps de vacaꝯ, des arbres coupꝫ &c. car de droit le roy ne deu coup tiels arbres &c. mes de chaser ē les parks ou pischer en les pischaries, semble q̄ le roy doit auer tiel action pur trꝫs fait en temps de vacaꝯ, mes sils destroy touts les pisches en le pischarie, ou touts les dames en les parkes en tēps de vacation, semble reason, q̄ le succes. alia acꝯ p lestat de Marlb. cap. 29. pur ceo tresp̄, Quere le veritie del matt. ¶ Et est a entēd̄ q̄ le roy doit de droit saū & defend̄ son realm̄ cibien vers le mere come vers enemies q̄ il ne soit surround̄ ou degast, & de ꝑuid̄ remedy pur ceo, & auxy de prouid̄, que ses subiects eient lour passage per le realm̄ per touts chimines en saucgard &c. Et pur ceo si les walles vers le mere sont enfrents, ou les sewers ou gutters ne soient escowrres, q̄ les dulces ewes ne poient auer lour direct cours, le Roy deuer faire vn commiss. denquiꝯ &c. & de oier & termin̄ ceux defaults, & le form̄ del commiss. est tiel. A

¶ Rex dilectis A.B. & C. &c. Cum wall', fossata, gutture, fuere, pontes, calceta, gurgites, & trenchiæ in partibus Holland' inter crucem de W. & pontum de E. p impetum maris, & refluxus, ac inundation̄ aquarum dulcium p diuersa loca in partib⁹ p̄d̄ adeo diruta sunt & confracta, qd' quā plurima dāna & inestimabilia ꝑ defectu reparation̄ earūd̄ walleaꝝ, fossatorum, gutturarum, fueraꝝ, pontium, calcetorum & gurgitum, & obstruction̄ trenchearum p̄d' temporib⁹ retroactis euenir̄ ibm̄, maioraq; processu temporis euenir̄ timent, nisi sup̄ hoc celeri⁹ remedium adhibeaꝯ opportun̄, nos ꝑ eo qd' ratione dignitatis nr̄æ regiæ, ad prouidend' saluationi regni nostri circūquaq; sum⁹ astricti, volentes in hac parte congruum & festinū remedium adhiberi, assignauimus vos &c. ad superuidendū wall', tossata, gutturas, sueras, pontes, calceta, gurgites & trencheas p̄d', & ad inq̄rend' p sacramentū tam Militum quam aliof ꝑborum & legalium hominū de p-tibus p̄d' tam infra libertates quā extra, p quos &c. poterit, per quorum defectum hm̄di damna contigerint ibm̄, & q̄ terras & tenementa tenent, seu communiam pastur̄ aut piscar̄ in partibus illis, vel etiam defensionem, commodum, & saluation̄ habent, vel qualitercunq; per wall', fossata, gutturas, sueras, pontes, calceta, gurgites p̄ed' habere poter̄, sed etiam damna per trencheas p̄dict' sustinent vel sustinere poter̄, & ad omnes illos pro quantitate terrarum & tenementorum suorum, siue per numerum acraꝝ, siue p carucatas ꝑ-

rata portion tenur ſuæ, ſeu ꝑ quantitate cõmun paſtur vel piſcarię ſuæ ibid diſtringend, & ꝑ amerciament & alio modo, ꝓut melius videritis faciend, puniend vna cum balliuis liber & aliorum de partibus illis ad hmi wallia, foſſata, gutteras, ſueras, pontes, calceta, & gurgit in locis neceſſar reparād & quotieſcunque, & vbi neceſſe fuerit de nouo faciend, ac trencheas pręd in locis neceſſarijs obſtruend, ita qd aliquibus tenent trā ſeu tenemt hmi, ſeu communiā paſtur, ſeu piſcariæ habētibus, diuit vel paupr aut alr cuiuſcũque fuerit cõditionis, ſtatus, aut dignitatis, q defenſione habere poterint qualitcunq; ꝑ pd wall', foſſar, gutturas, ſueras, pontes, calceta, & gurgites, ſeu etiam damnum per trencheas præd ſuſtinēt, vel poterint ſuſtinere, ſiue fuerint infra libertates vel extr non ꝓcanꝺ in hac ꝑte: Et ideo vobis mandamꝰ, qd ad certos dies & loca quos vos &c. ad hoc ꝑuideritis præd wallia, foſſata, gutturas, ſueras, pontes, calceta, gurgites, & trencheas ſu ꝑuideatis, & ꝑmiſſ. omnia & ſingula faciatis & expleatis in forma pd, & oĩa q per vos ordinari & fieri contigerit in hac parte, tam infra libert quã extra, taciatis firmiter obſeruari. Mandam enim vic' nr̃o Linc' &c. qd venir fac' &c. tot & tales tā milit quã alios ꝓbos &c. tam infra libertates quã extra, ꝑ quos rei veritas melius ſciri poterit &c.

℣ ℭ Et ſur cẽ commiſſ. iſſer bꝛe al vic reherſāt tout l'matr en le commiſſ. luy commanꝺ de rer vn panel &c. vt apparet in commiſſ. &c. Et ſi les Juſtic ſœr ꝑ vꝫtue de lour cõmiſſ. e ꝑnꝺ diuers ꝑlentmts e indictments, e agarꝺ ꝓcr ſur ceux r̃ al aur iour, e puis touts les Juſtices ou aſcun des Juſtic deuier: oꝛe le roy puit faire nouel commiſſ. a ceux Juſtic que ſont en vie ſolement, ou as autres, reherſ. la moꝛt cẽp q ẽ moꝛt, ou le moꝛt de ceux que ſont moꝛts, e eux commanꝺ ꝺ conr cẽ ꝓcr q eſt commenc. e de ꝓcedꝺ ſur ceſt ꝓces, e doier e fin'ner touts ceux defaults et offenc e en le dit commiſſ le roy reherſ. que il ad maunde as execur ꝺ ceux Juſtic q ſont moꝛts, ꝺ maunꝺ touts les dits roll', recoꝛꝺ, e l' ꝓces faits deuaunt les nouell Juſtic &c. Et ſur ceo commiſſ. le Roy maunꝺ vn bꝛe as execur des Juſtic q ſont moꝛts, de maunꝺ les roll' e recoꝛꝺ e ꝓces cõe auant eſt dit, indilat ſouth lout ſeales, e auter bꝛiefe al vic de faire panel &c. e de returñ deuant les nouels Juſtices &c. Et ſur ceo commiſſ. les Juſtic ferra ꝓcept al dit vic, q il a certaine iour et lieu rer deuant eux certaine pa-

nel

nel accordant al tenour de lour commiſſ. & q̄ il m̄ ſoit donqꝫ
la deuāt eux a m̄ le tour one le dit p̄cept &c. & cē nouel cō-
miſſ. ſerra fait cibſi a recontiñ les ſuits & p̄ces fait inter p-
ty & pty ſue deuant les Juſtic̄ doier & termiñ, cibſi cōe les
indictm̄ts & p̄ſentm̄ts faits & trouez pur le roy &c. Et le
roy puit mitē en ſon commiſſ. cōmandōt les dits cōmiſſ. de
reſceiū les recordz & roll' & p̄ces des dits exec̄. Mez vide
les ſtat' des ſewers, & eſpecialm̄t les ſtatut' de roy H. le 8.
de ceo ent fait. ¶ Si aſē merchant Engl' ſoit ſpoil', ou ſes
bñs de luy p̄ziſes ouſt le mere p aſcuns merchants ſtran-
gers, & le merchāt Engl' ſuit la ouſter l' mere de aū iuſtice
& reſtituē &c. & ne puit ceo atteigñ, et ceſt matt' eſt teſtifie
al roy en ſon Chanc̄ p diūs credible p̄ſons, oꝛe ſur ceſt te-
ſtimoñ ſi les merchants ſtrang. venēt en aſē lieu deins le
realme de Engl' ou lour bñs, donqꝫ ceſty merchant Engl'
aña bꝛief hoꝛs de Chanc̄ direct al maiꝛe ou bailifs ou tiels
merchants eſtrang. ou lour bñs ſont de eux areſtē, & lour
bñs, & de eux deteign ſouth areſt, tanqꝫ ils ont ſatiſfie le p-
tie de ſes dam̄, q̄ il ad ſuſtreiñ p occaſion de lour miſfait, et
puit aū diuers bꝛiefs direct as diūs p̄ꝛts ou vill' al maiꝛe
&c. ou bailif de ceux, de faire tielz arreſts des m̄chants & ō
lour biens &c. & de eux deteigñ &c. tanqꝫ q̄ ils ont ſatiſfie
le merchant Engl' de Trñs que ils ont a luy fait ouſter le
mere &c. Mez il ſemble q̄ m̄chant Engl' naña tiel bꝛief pur
Det due a luy p m̄chāt eſtē ſur contract fait ouſt le mere, ſi
le m̄chant eſtrang. veigñ en Engl' ou ſes bñs, Tamē quære
de c̄. Et le roy reherſ. en ſon bꝛeue que eſt direct al maiꝛe &
bail' &c. cōm̄t il ad maund' aut' ſemble bꝛiefe al maiꝛe & bail'
de tiel ville, & aut' bē al maiꝛe & bail' dauk' ville ō faire en
ſemblable manñ: & cē bꝛieue ſerra ſue dattacher touts ceux
que tiēt le trñs & lour bñs al value ō trñs que il ſup̄ que
il fuit endamage &c.

¶ Et ſi certaine p̄ſons deuēt faire accounts a vn cōmi- ¶
naltie, cōe ſi le roy granteꝛa probis hominibus ville de N.
certē ſum̄ dargēt, de choſes vendables, q̄ux veñ al vill' deſtē
vendō &c. pur repairer le vill' ou les mures ō tiel, & ils ſont
certē collectoꝛz de c̄ leū, ou certaine p̄ſons de lour teſt de-
meſn̄ p̄ign ſur eux de collecter ceo, & illint ils cōt, oꝛe le roy
puit grāt vn commiſſ. doier & termiñ direct a certaines p-
ſons de inquirer queux p̄ſons aña reſceu cē ſumme &c. et
doier & determiner ceſt matter, & de oier lour accounts ſur ceo
& de faire come auditouꝛz ſerra en ceſt caſe, & il maundēt

bziefe al biſ̃ de reſ̃ panel deuant ẽs Juſtiſ̃ al iour &c. q̃ ils appoint &c. denquiſ̃ de ſ̃, & ſ̃ commiſſ. eſt en le fiñ des bziefs de Ex ꝑte talis, & deuant bziefes de det en le Regiſter.

54. ¶ Briefe de Conſpiracie.

D BRiefe de Conſpiracie giſt ou ÿ ou iÿ. ou pluſozs perſons de malice ou per coun conſpire & imagine denditer aut perſon faurm̃t, & puis ceſty q̃ eſt iſſint indite eſt acquit, oze il auera ceſt bziefe de conſpiracie vers ceux q̃ conſpire de iſſint luy endiť, mes ceſt bziefe giſt ẽs ÿ. pſons al meins, q̃ iſſint conſpire &c. car ſi vn perſon de ſon malice, & per ſon faux imagiñ labour, & cauſe vn aut̃ deſtre endite faurment &c le party q̃ iſſint eſt endite, naña bziefe de conſpiracie &c. mes action ſur ſon caſe vers ceſtuy q̃ luy cauſe deſtre iſſint faurm̃t endite.

E ¶ Et ſi ÿ. homes conſpiſ̃ vendiť aut̃, & puis il ẽ endite, p q̃ il poꝛt appeľ &c. ſur ſ̃ enditm̃t, & puis ẽ nõſue ſur ſ̃ appeľ, aꝑs declaſ̃, ou auãt declaſ̃ : oze le partie q̃ ſuit faurm̃t endite aña bziefe de conſpiſ̃, pur ceo q̃ il eſt arſ̃ apꝛes l'declaſ̃ ſur lappeľ, & ẽ acquite, & auant le declaſ̃ ſur nonſuit il ſerra areſ̃ ſur lenditem̃t, & ſil ſoit acquite, il auera bziefe de conſpiſ̃ &c. mes ſil ſoit faurm̃t endite, & puis appel eſt ſue ſur cẽ enditem̃t, & il eſt mis a reſpond̃ al appel, & puis eſt acquite p v̈dit ſur appeľ, il aña bziefe de conſpiracie en ť cas, pur ceo que il ad acquit ſur le appeľ, & nemy ſur lenditem̃t &c. mes ſur nonſuit ẽ lappeľ le Conſpiracie giſt &c. pur le cauſe reherſe.

F ¶ Et ſi ÿ. cõſpiſ̃ d̃ cauſer hõe d̃ ſuer appeľ ẽs vn d̃ felonie ou murd̃ ſans aſ̃ enditment pꝛis ou troue d̃ ſ̃, & puis l'def. eſt acquite per verdit, oze il naña bziefe de conſpiſ̃ ẽs ceux q̃ conſpiſ̃ de luy appeľ, pur ẽ q̃ p ſtať de Weſt. 2. cap. 12. Quia multi per malitiam &c. il ſerra inquire des abbettozs ſil ne ſoit endite de ceo. Et ſils ſont troues, il auera ſcire fac' vers eux hozs de m̃ la court, lou il eſt acquite, de luy rnd̃ ſes dam̃ &c. & pur ť il nauera le bziefe d̃ conſpiracie

G la. Et iſſint ſil ſoit nonſue en aſcun tiel appel, lou nẽ aſcun enditem̃t &c. le def. auera bziefe de conſpiracie apꝛes le nonſuit, ou aꝑs lacq̃tal: mes le foꝛm̃ del bziefe de cõſpiracie lou ẽ acquite per verdit, varie en paroꝛt en le fine del bziefe de conſpiracie, q̃ eſt fonduе ſur nonſuit le pť en appel, car lun bziefe foundue ſur v̈dit eſt, Quouſque ſecundum legem &c.

acquie-

acquietatus fuiſſet, & lauter briefe de conſpiracie found ſur nonſuit eſt, quouſque idem quærens per conſideration Cur nr̃æ inde quietus receſſit: Le forme de q̃ux br̃es enſuer̃ cy.

¶Rex Vic' &c. Si A. fecerit &c. tunc pone &c. B. & C. qd̃ ſint coram nobis &c. oſtenſ. quare conſpir̃ inter eos apd̃ N. p̃habita p̃f. A. de quodam iumento furtiue apud N. capto et abducto indictari, et ipſum ea occaſione capi, et in priſona nr̃a Warr̃ quouſque in Cur̃ nr̃a coram dilectis et fidel' noſtr̃ R. et S. Iuſtic' nr̃is ad Gaol' nr̃am Warr̃ deliberand' aſſigñ, ſcd̃m legē et conſuetud' regni noſtri acquietatus fuiſſet detineri, falſo et malitioſe p̃curauer̃, ad graue damn̄ ipſius A. et contra form̄ ordinat̃ in hm̄odi caſu p̃uiſ. Et habeas ibi nomina pleg', et hoc breue. Teſte &c.

¶Laut̃ br̃e foundue ſur nonſuit en lappel eſt tiel.

¶Rex Vic' &c. Si A. fecerit &c. tunc pone &c. B. & C. qd̃ ſint coram nobis &c. oſtenſ. quare conſpir̃ inter eos apud N. p̃habita p̃f. A. de mort̃ D. apud E. nuper interfect̃ appellari, et ipſum A. ea occaſione capi et in priſona noſtra de L. quouſq; in Curia noſtra coram nobis idem A. &c. p̃ conſider̃ Curiæ noſtræ inde quietus receſſit &c.

¶Et ſi hōe cauſe vn cōe p̃incipall deſtr̃ appell' de murder, ou felonie, & vn aut̃ cōe acceſſorie a luy, & puis eſt nonſue en ſon appell', ore laccеſſorie auera brief de Conſpiracie cybien come le p̃incipall. B

¶Et ſi le p̃incipal & vn come acceſſ. ſont indites de felon̄ & ſont p̃iſes & arreſts, & le p̃im̄ eſt indict, ore pur ceo laccеſſ. eſt diſcharge, & laccеſſ. auera ſur ceo briefe de Conſpiracie vers ceux q̃ conſpire de luy indicter &c. & le briefe en le fine dirra: Quouſq; idē le p̃inc̄ ſcd̃m legē &c. acquietatus fuiſſet, et idem laccеſſ. quiet̃ receſſit &c.

Et hōe aūa br̃e de Conſp̃ ſur indictm̄t deuant aſr̃ Maire ou Bailie de aſr̃ City ou Borough q̄ ont power de deliuer les Gaoles deins lour City ou Borough, ſil ſoit acq̃te deuant eux &c. car ceſt acq̃tal luy diſcharge de cē felony, Mes brief de Conſpiracie ne giſt vers les indictors meſmes &c. B C

¶Et ſi turors ſont iures denquirer &c. & puis aſcun de eux eſt diſcharge p̃ les Iuſtices, il ne ſer̃ punie, pur ceo q̄ il fiſt q̃m̄t il fuit iure, mes ſil conſpir̃ eyres &c. il poit eſtre charge pur cel en Conſpiracie. D

¶Et cēy q̄ bie̅t en Court & diſcon̄ cert̃ felonies, & eſt iur̃ & don̄ euidence al enqueſt, il nē charg. en Conſpiracie. E

¶En conſpiracie vers ij. iun plede al briefe: & laut̃ plede

matter en ley, q̃ eſt adiudge pur luy, & le ple al briek troue p verdict vers cẽy. q̃ pleð al briek, ore le pl' aũa tudgemẽt vers luy q̃ pleð al bre: mes ſils aundeux aũa pleð niẽt culp & lun troue culp, & laut niẽt, la le pl' ne recou ꝛc. car donqz il ne conſpir̃, cõe eſt ſupp p le briek, mes puit eſtoier que ils conſpirõt en le cas auãt, coũt q̃ le matr̃ en ley ſoit adiudg.

F oue le del. Et ſi le prinr̃ deux auant ẋdict done ſur iacq: tal, ou ac chart de pdõ, & pleð ẽ ꝛc. donqz laceſſ. naũa briek de conſpiracy, pur r̃ q̃ il ẽ diſch p le moꝛt le prinr̃, ou per le

G chart fait al prinr̃. ¶ Si home ſoit faurmt endict ð felony, et puis p act de parliamt geñal pdon eſt grant de felonies ꝛc. ore le pty naũa briefe de Conſpiracy, coũt q̃ il voll pleð al indictmt, & eſt acqte & ne voll pleð iact ꝛc. & p r̃ que ſon vie ne fuit in ieopdy, & le felony fuit diſch. per iact.

H ¶ Les Juſtic̃ de gaol' delivery arẽ vn priſoñ de murð deins lan, lou vn appell' ẽ pẽð ẋs m̃ le priſoñ ſur m̃ le murð q̃ eſt mẽe a eux, & vnr̃ ils ꝓceð, & luy acqt, il aũa Conſpir̃, coũt il nẽ acquit ne diſch. ðl appel: Vide leſtatute inde añ 3.H.7.ca.1. Mes deuant ceſt ſtatute fuit tenus anno 21.H. 6. p Paſton & Newton, q̃ il aũa Conſpiracy, car ils diſoient, q̃ il ſerr̃ penð, ſil aũ eſte troue culp ſur l' arraignmt ſur lẽ: dictmt, Quod nota. Et Vide leſtatute fait de Conſpiartoribus in tẽpore regis Ed. 1. quel ſtatute ne determine en q̃x caſes conſpiraẽ girra: mes p leſtatute fait añ 4.E.3.c.11, eſt done q̃ Iuſtic' daſſiſe & de Niſi prius ont poẅer denquir rer, & doier & termiñ conſpiracies, confederacies, & champ: tics, ꝛc. q̃ ils ne potent determiñ pur bꝛeuity de temps, ils adiorñ en bank, & la ſerra determine.

I ¶ Et ſi home ſoit indite ou appel de treaſõ ou felonie, ou de trñs fait en forrein coñ ꝛc. ſil ſoit acquit de ceo, il auera briefe de Conſpiracie vers ceſty que luy procure deſtre en: dite ou appel, & recouera treble dam̃ per briefe ſur leſtatute fait Añ 8.H.6.cap. 10.

K ¶ Et ſi home ſoit endict de felony ou treaſon, lou neſt aſr̃ tiel lieu deins le coñ, il auera briefe de Conſpiracy, & recũ ſes dam̃ vers les abbettẽs, procuratoꝛs, ou conſpiratoꝛs per le ſtatutẽ de añ 18.H.6.ca.12. Et le foꝛm del briefe pur Acceſſory en briefe de Conſpiracy eſt tiel. Quare conſpira: tion̄ &c p̃fat A. de eo quod ipſe abbettaſſe & procuraſſe de: buiſſet D. quæ fuit vxor E.F. & G. de morte ipſius E. quon: dam viri ſui appellari coram I. & ſocijs ſuis nuper Iuſticiar̃ noſtris ad appellum illud audiend̃ & terminand̃ indictari,

et

et ipſum ea occaſione capi et impriſonari, & in priſona nra Linc' quouſq; coram pf. Iuſtic' nris inde ſcdm legem & conſuetud regni noſtri acquietatus fuiſſet &c.

A ¶ Et ſont auſs briefs de Conſpiracy founds ſur diſceits & trſs fait al pty, q̄ ſont ꝓpermt acc̄ de Trns ſ le cas. Sicōe ſi homes conſpire dendicter vn home, p̄ ceo q̄ il ne arreſt vn felon q̄ paſſ. p le bill de M. et pur ceo tis luy cauſ. deſt endict & amercie en le Leete de R. & F. & pris & impriſon p ceſt amerciamt tanqz q̄ il ſoit acquit en le dit Leete.

B ¶ Et ſi homes diſont & affirm̄ a vn A. q̄ il ad droit a tiel tre, & pcuñ & cauſe luy de ſuer acc̄ de ceo vers vn B. que ē t de cē tre &c. p q̄ le dit B. eſt de neceſſity compell de vend aut de ſes tres ou tents pur defence de ſa tre &c. ore il aña acc̄ vs ceux q̄ pcuñ ou conſpirē de cauſ A. de ſuer cē acc̄ &c.

C ¶ Et iſſint ſi homes pcuñ ou cāe vn deſtre indict pur chaſ en park dū aut, p q̄ ils eſt pris & impriſō & mis a expence tāqz il ad luy acqt de cē trns, donqs il aña brieſe de Conſpiracie vers ceux.

D ¶ Et Conſperacy ſerra maint vs eux q̄ conſpire de forg faux faits, q̄ux fuer dones en euident, p que il pde ſa tre &c

E ¶ Conſpiracy ſerra maint vers ceux que conſpire d porc Aſſ. en noſme le pl vers iun def. & de faire vn atturney pur le pl, en q̄l Aſſ. le pl fuit troue villein &c. que ore porc ceſt brieſe de Conſpiracy.

F ¶ Et Conſpiracie ſerra maint vers ceux que conſpire de luy endict de trns &c. de quel il fuit acquite &c.

G ¶ Conſpiracy ſerra maint pur ceo que le def. fait vn p̄ſent en noſm̄ le pl a vn aduow. & p̄ p̄ſent vn al Eueſqz que eſt admit & inſtitute &c.

H ¶ Si home conſpire de cauſer vn faux office deſtre troue de ma terre, per que il eſt troue p ſ procurem̄t &c. ieo auera brieſe de Conſpiracy.

I ¶ En Conſpiracy vs q̄. iū iuſtifie p ceo que il fuit donqz Juſtice per commiſſ. q̄m le pl fuit endict deuant luy &c. et pur aſc̄ conſpiracie fait auant, il plede nient culp̄.

K ¶ Et brieſe de Conſpir̄ p indict luy de felonie ne giſt, ſinon vers 2. plons al meines, mes briefe de Conſpiracy pur endict de trns ou aut faux̄mt fait come en les auantdits caſes giſt vers vn perſon ſolem̄t.

L ¶ Et hōe naña brieſe de Conſpiracy pur indict luy de felonie vers le baron et feme ſolement, pur ceo que ils ſont forſqz come vn perſon, mes vers le baron & feme & tierce

plon, il gist bñ. Mes si le bñ de Conspiracie soit portꝛ vs ij. donqꝛ il serra dit ꝑmt bñ de conspiracie. Mes sil soit portꝛ vers vn plon solemt, donqꝛ nñ soꝛsqꝛ acc̃ sur son cas sur le fauxemt & disceit fait, pur ceo q̃ vn person ne poit conspir̃ one luy mesm̃ &c. ¶ Et le brief de Conspiracie poit supp̃ le conspiracie estre fait en ij. seuall lieux & serra bon, & le brief deu̇ estre portꝛ en le com̃, ou le conspiracie est fait, & nemy ou lendictm̃t fuit fait: ou lou le fait fuit fait &c.

¶ Et auxy est auter brief de Conspiracie, q̃ est dñ sur le statute, que est appell̃ Articuli sup chartas en temps E. 1. Añ regni sui 28. cap. 10. quel briefe serra direct as Justic̃ dassi. denquirer des conspir̃ &c. et le briefe serra tiel.

¶Rex dilectis et fidelibus suis W. de S. et socijs suis &c. assigñ salut̃. Cum inter ceter̃ articulos, quos dñs. Ed. quond̃ Rex Angl' auus nr̃, ad emendac' status populi sui concessit, ordinat̃ sit, qd' de Conspiratoribus, fal'sis informatoribus, et malis ꝓcuratoribus duodenar̃ inquisitionum, assisarum, et iuratorum, Iustic' de vtroque banco, et Iustic' ad assi. capiẽd assigñ cum in patriam venerint ad officiũ suũ faciend' faciant inquisitioñ ad cuiuscunque q̃rel̃ sine breui, et sine dilatione, et faciant iustic' conqnerenti, ꝓut in articulis ꝓd' plenius continet̃: Nos dictos articulos in omnibus inuiolabiliter obseruari volẽs, vobis mãdam⁹, qd' inspecta ordinat ꝓd, vlter̃ ad ꝓsecutioñ oim et singul' coram vobis conquer̃ volent̃ faciat̃, qd̃ scd̃m form̃ ordinac' ꝓd' fuerit faciend'. T. &c.

¶ Et sur ẽ il auer̃ Al', & Pluꝝ, & attach vers le maire ou bir̃ &c. sils ne font accoꝛd̃ al briefe a eux maund̃, ou rest le cause ꝓ q̃ ils ne poient ẽ faire &c. Et il semble reasonable q̃ le pty in pꝛison auera acc̃ sur cest stat̃ vers le reconisor sil ne troue luy paiment eẽ en pꝛison &c. accoꝛd̃ al stat̃.

55 ¶ Breue de compo.

BRiefe de Accompt gist in diuis maners, car si vn fait vn auter son bailiff de son man̄ &c. il aũa briefe daccompt vers luy come bailie.

¶ Et si hõe fait hõe son resꝛ de resꝛ ses rents ou debts &c. il auera briefe daccompt vers luy come resceinoꝛ.

¶ Et si hõe fait home son bailiff &c. et auxy son resceiuer: donqꝛ il auer briefe daccompt vers luy come bailiff & auxy come resceiuer &c.

¶ Et hõe aũa bñ daccõpt vs vn cõe bailiff ou resceiuer, lou

lou il ne vnqs luy fait baily ne receiuer &c. Car si home receiue money a mon oeps, iaũa briefe Daccompt ꝺs luy come receiuer. Ou si hõe deliuer argent a vn a deliuer a moy, iaũa briefe Daccõpt vers luy come mon receiũ.

¶ Et illint si home enter en ma tre a mon vse, et receiue les ꝓfits de ceo, iaũa brẽ Daccõpt vers luy cõe baily &c. A

¶ Et illint si les parents occupy la tre daſcũ enfant, q̃ le enfant ad ꝓchase, lẽfãt aũa briefe Daccompt vers eux cõe baillie de la tre &c. ¶ Et ceſt briefe Daccompt poit estre sue sibñ en le county come en le common bank. B

¶ Et si hõe ad cause daũ acẽ Daccõpt vers alcun come son baillie ou receiuer, sil deuie, les execuꝛ aũa cest action. Mes acẽ Daccompt ne gist ꝺs execuꝛ dũ baily, ne dun receiũ, pur le receit & loccupation de lour testatoꝛ. Et le brẽ Daccõpt q̃ serr̃ sue en l'coũty, est vn Iustices direct al vic, le q̃l est tiel. ¶ Rex vic' Line' sal'. Prec' tibi, quod iuste' A. qd̃ iuste et sine dilatione reddat B. rationabile compotũ suum de tempoꝛ quo fuit bali' suus in N. et recepẽ denar̃ ipsius B. sicut rationabiliter monstrar̃ poterit, quod ei redd' debet, ne amplius inde clam̃ audiamus pro defectu iusticie, T. &c. Et pur executoꝛs le brẽ est, Quod redd' B. et C. exec' testamenti D. rationabil' compoꝛ suũ de tẽpoꝛ quo fuit ball' ipsi' D. in N. vel ipsius defuncti, sicut ratiõ monstrare poterit. C

¶ Et si deux Merchãts occupy lour bñs & merchãꝺ en cõmõ, a lour cõmõ ꝓfit, lũ aũa brẽ Daccõpt ꝺs sõ cõpaign en le com̃, ou en le cõmon bank, & le brẽ en le com̃ serra tiel. ¶ Rex vic' &c. Prec' tibi, quod iustic' A. mercatoꝛ, qd̃ iuste redd̃ B. mercañ rationabil' compoꝛ de tẽpoꝛ quo fuit recepẽ denar̃ ipsius B. ex quacũque causa et cõtractu ad communẽ vtilitat̃ ipsoꝛ A. & B. ꝓsequen̄ sicut p legem mercatoꝛ rationabile monstrar̃ poterit, qd̃ ei redd̃ debet. Et ceſt clause, Ex quacunque causa et contractu, debet poñ in quolibet tal' brĩ, soit il sue en common bank ou en le com̃. D

¶ Et lexeẽ lun marchant aũa tiel briefe ꝺs lauꝛ marchãt mes nemy ꝺs lexeẽ le m̃chant, & le foꝛme del brẽ en le common bank est. ¶ Rex vic' &c. Prec' A. qd̃ redd' B. rationabil' compotũ de tẽpore quo fuit receptor denariorꝛ ipsius A. vel balliuus ipsius A in N. & nisi fecerit, et præd' A. fecerit te secur̃ de clamoꝛ suo ꝓsequendo, tunc sum̃ pd̃ B. qd̃ sit corã Iustic' nr̃is apud Westm̃ in quindena Pasc' &c. ostens. quare non fecerit, et habeas ibi sum̃, et hoc breue &c. E

¶ Et Pꝛioꝛ, ou Abbas, ou Master de hospital aũa briefe F

Daccompt

Daccount vers cesty q̃ fuit receiū ou bailly en temps lour ꝓdecessor, & le form del brief serra tiel. ¶ Præc' A. qđ reddat I. Prioresse de S. rationabil' compotū de tempore &c. bail' Aliciæ quondā prioresse de S. ꝓdecess. ꝓđ I. & recept denar ipsius Alicię prioresse &c.

¶ Et aut brief, sic. ¶ Præc' A qđ redd cōmunitati vill' de W. rationabil' cōpotū suū de tēpore &c. quo fuit receptor denar ipsius cōmunitat in W. Et nisi &c. Et ꝓđ cōmunitat &c.

G ¶ Et nota, q̃ le brief Daccompt fue en le county, puis estre remue al suit le pl' en le cōmon bank p vn Pone, sans ascun cause monstre in le brefe, mes il ne serra remue hors del com̃ al suit le def. sans cause monstre en le brief de Pone &c. Dicōe le def. pleid forein release, donq̃ serra dit en le Pone, Quia ꝓđ le def. in placitand in cur nostra in N. in qua loquæla pendet p retorn̄ brīs nostri, ꝓtulit quoddam scriptū acquietantię sub noīe ipsius A. continens in se ꝓf. A oēs acc', quas versus præf. B. def. ratione cōpoti prędđ habuit, eidē B. remisisse in com̃ Linc' fact', vt dicitur, qđ quidđ scriptum ꝓf. A omnino dedixit, ꝓpter qđ loquęla illa in cur ꝓđ vlterius deduci non debet: Fiat executio istius breuis, si causa sit vera, & aliter non.

H ¶ Et est aut mañ brief Daccompt foundue sur lestat d Marlb. cap. 23. & cē brief gist lou home deuer faire accompt come bailly, ou receciū, & nad terre ne tents, p queux il poit estre distr̄, mes est vagarant & aiant en secret lieu, ou il ne voile estre troue, donq̃ le pl' aña brefe Daccompt q̃ est appell' Monstrauit sur ceo statute, & le brefe est de tiel forme. ¶ Rex Vic' &c. Monstrauit nobis Prior de N. quod cum A. extiterit balliuus suus in K. oīum rerum & bonorum suorum cur̄ habens & administrationem, idem A. compoto suo non soluto subterfugia quærens, latitat in balliua tua, nec possit inueniri & distringi ad reddend̄ præf. Priori compotum suū prædict'. Et quia de communi consilio regni nr̄i ꝓuisum sit: quod si balliui, qui dn̄is suis cōpotum suū reddere tenentur, se subtraxerint, & terras vel tenem̄ta non habeant per quæ distringi valeant, per eorum corpora attachientur: Ita quod vicecom̄ in quorum balliuis inuenient, eos venire fac' ad compoē suum redd: Tibi præcipimus, qđ si præđ Prior fecerit te secur̄ de clamore suo ꝓsequendo, tunc prædict A. attach. ita quod eum habeas coram Iustic' &c. tali die, ad reddend̄ præf. Priori compotum suum præđ, sicut rationabiliter monstrare poterit, qđ ei reddere debet &c. & habeas

&c.

&c. Mes ceſt briefe neſt oze en vſe, pur ceo q̃ p le ſtatute de Weſt. 2. fait apres le ſtatute de Marleb. proces de briefe daccompt vers baillifs & receiuers, cap. 12. Mes vncore il poit ſuer Monſtrauit, ſil voile a ceſt iour, et le forme de briefe del Monſtrauit direct al viconts de Lond̃ eſt tiel. ¶ Rex Vic' Lond̃ ſalut̃, Monſtrauit nobis A. qd̃ cum B. extiterit receptor denariõ ipſius A. & ball' ſuus in N. idem B. compoto ſuo non ſolut̃ interſugia quærens latitat in ball' veſtra &c, Et quia &c. vobis præcipim⁹, qd̃ ſi p̃d̃ A. fecerit vos ſecur̃ de clamor̃ ſuo ꝓſequendo, tunc p̃d̃ B. attachiatis, ita qd̃ eum habeatis coram Maiore ciuitatis noſtr̃ Lond̃, & vobis in ꝓxim̃ huſtingo vĩo Lond̃, ad reddend̃ p̃f. A. compot̃ ſuũ p̃d̃, ſicut &c. & habeatis &c.

¶ Et poſſint Receptores & Ball' poni ſimul in vno breui in le Monſtrauit, *ſic*: Receptor denar̃ ipſius A. & ball' ſuus in N. Mes ſi le brief ſoit ſue en le cõmon bank, tũc debet ball' præponi en le brieſe, ſicut ball' ſuus & receptor denariõ ipſius A. in N.

¶ Et hẽ Daccoũt giſt vers ſon gardein en ſocage, mes le forme del brief vary del forme del brief vers baſtif &c. le form ẽ tiel. A

¶ Rex vic' &c. Si A. fecerit &c. tunc ſum̃ &c. B. quod ſit corã Iuſtic' &c. oſtenſ. quare cum de cõmuni conſilio regni noſtri prouiſ. ſit, qd̃ cuſtodes terrarum & ten̄torũ quæ tenentur in ſocagio hæred̃ terrarũ & ten̄torum illorũ cum ad pleñ ætat̃ peruenerint, reddant rationabil' compotum ſuũ de exitibus de terris & ten̄tis illis ꝓuenientibus de tẽpore quo cuſtod̃ illam habuer̃ ratione minoris ætatis hered̃ præd̃, idẽ B. p̃f. A. rationabil' compotũ ſuũ de exitibus ꝓuenieñ de terris & ten̄tis ſuis in N. quæ tenentur in ſocagio, & quorum cuſtod̃ idem B. habuit dũ p̃d̃ A. infra ætat̃ fuit, reddere conſ̃ vt dic', et ideo &c. Et ceſt brieſe eſt foundue ſur le ſtatute de Marlb. cap. 17.

¶ Et ſi hõe durant le nonage del heire enter en les tres heire q̃ il ad per diſcent, & ꝓfit les ꝓfits de cel al oeps le heire, heire al plein age aũa brief Daccount vers luy cõe gardein pur les ꝓfits reſceiues tanq̃ q̃ heire veigne al age de xiij. ans, & pur les ꝓfits reſceiues apres q̃ le hẽ veigne al age de xiij. ans hẽ aũa brieſe Daccount vers luy pur ceux, come baily &c. & nemy come gardein, car il ne poit eſtre gardein al heire pluis longement pur terres en ſocage, ſinon al age de xiij. ans del hẽ: Mes hẽ naura action Daccoũt vers vn come gardein, tanq̃ hẽ ſoit al B

plein

pleine age de xxj. ans, & ceo est p les parols del statute, que
dit, Qui cum ad ętatem peruenerit &c. Mes il ad vn Accompt
vers lun bailly durant son nonage, a q̄l temps q̄ il
voile vers cesty q̄ prist les ꝓfits de sa tre q̄ il ad p dicent,
fil ne soit gardeine en socage en droit &c.

C ¶ Et appiert p le Regiſter vn briefe, q̄ si home soit trove
en arrerages sur son accōpt, & le ptie pl̄ luy arrest en Lond
p ceux arrerages, donq̄ il puit suer vn brief en Chancerie
direct al Mr̄, rehearſ. cest matr̄, cōmaundant le Mr̄ de de-
teign̄ & gard̄ en prison cēy q̄ est illint arrest tanq̄ il ad sa-
tisfie & pay les arrerages. Et sēble p vn tiel reason, si hōe
sue brief de Det sur arrerages de accompt auant auditors,
& ad le party attach &c. q̄ il ad brief hors de Chanc̄ al Mr̄
de luy gard̄ en prison tanq̄ il ad pay ceux arrerages. Mes
il sēble a moy, q̄ cē brief ne poit estoier oue ley, q̄ il serr̄ gard̄
en prison sans auer resp̄ al suit pris vers luy.

D ¶ Home puit auer briefe Daccompt vers vn feme come
receptrix denariorum, ou vers vn Chapleine, mes home ne
auera briefe Daccompt vers enfant.

E ¶ Home puit auer briefe Daccompt vers vn come bailly
dun Court, ou Hundred.

F ¶ Et home auera briefe Daccompt vers Prior sur recet
fait p luy p maines son cōmoign̄, mes la le brief supp̄, q̄ il n̄
receiue &c. & ne parler p maines le cōmoign̄. Et illint recet
fait p le baron p mains la feme est son rest̄ demeine, & le hōe
& le count supp̄ q̄ il n̄ receiue &c. sans pler p mains la feme.
Mes auterm̄t est, si Prior ou barō receiue moy de estrang̃
donq̄ le count serra, q̄ il receiue p mains destrang. &c. Mes
le briefe serr̄ general tempore quo fuit receptor denar̄, sans
dire p mains dascun, mes il mr̄e ceo en le count.

G ¶ Et si home deliuer bñs ou argent a vn ouster le mere
deliuer a luy arere en Englefre a certeine lieu &c. il auera
briefe Daccompt vers luy pur ceux biens ou deniers.

¶ Et si hōe deliuer cert̄ deniers a vn sur condit̄, q̄ si fait
tiel chose, q̄ il auera les deniers &c. & si non, q̄ donq̄ cesty q̄
eux deliuer reaña ceo: ore sil ne pforme le condit̄, le party q̄
deliuer les deniers, auera brief Daccompt vers luy p̄ ceux.

H ¶ Si deux ont bñs en tointer ou en cōmon, & lun de eux
deliuer meisme ceux biens a vn pur accompt vender a luy, il
sole auera laction pur ceux.

I ¶ Et si deux ont gard̄ &c. & lun prist touts les ꝓfits, lauter
auera briefe Daccompt vers luy. P. 45. E. 3.

¶ Et

¶ Et si baron ad reſceiue les profits del terre le feme e deuy, l' tẽe naũa dr̃ daccompt des pfits ne des rẽts reſceiues duſ le couerture, mes les execuſ le baron. A

¶ Et si Receiuor ou Bailie fait deputie, vnſ laction de accompt couient eſtre portſ vs le bailſ m̃, e vers le receiuor meſme, e nemy vs lour deputies, car les deputies reſceiueſ t al vſe lour maſter. B

¶ Ceſty q̃ eſt vn ſurueior del tres ou controller ꝛc. ne ſerſ charge en accompt &c. C

¶ Et apprentice ne ſerra charge daccõpt p dr̃ daccõpt, mes vers ſeruant q̃ eſt maũdr̃ de receiu̇ mony, le Maſter auera briefe de Accompt ꝛc. ſil ſoit receiuor. D

¶ Ne pariſh Preſt ne ſerſ charge pur les offrings offers per briefe daccompt, ſil ne ſoit auſ agreemt entre eux ꝛc. car le clerk tient le veſtel en q̃ur ils ſont miſes ꝛc. E

¶ Si le roy grant a vn villſ cerſ toll des choſes q̃ ſera vendu̇ en m̃ le ville pur faire le cloſuſ del dit ville, e auters choſ. neceſſarie en tout le villſ, e ils font cerſ collectſ pur receiu̇ ſ, ore ſi les collectors ne voilſ faſ accompts de ſ, ils poient aũ vn commiſſion hors de chanſ denqrer q̃ ad reſ cẽ tollſ ou deniers, e doier e termiñ ſ, e doier lour accompts ꝛc. e auſ brẽ al vſ de attendance, e de faire reſ vn enqueſt deuant les Commiſſioners ꝛc. F

56. ¶ Briefe de Debito.

BRief de Det giſt ppr̃mt ou vn home doit a vn auter cerſ ſum̃ dargent p oblig ou p bargain pur choſe a luy vendu̇, ou per contract, ou ſur apprõpſ fait per le creditor al detſ, e le dettor, ne voilſ ceo det paier al iour accord, que il deueſ ſ paier, donqs l' crediſ aña briefe de det pur ſ det vers luy, e cẽ det poit eſtr̃ ſue en l' com̃ deuãt le viſ, p briefe q̃ eſt appel Juſtic̃ cõe en le cõen bank, e le form̃ de cẽ br̃ ſerra aſſ foits en l' debet & detinet, e aſſ foits en l' detinet tm̃, e nẽy en le debet. Et ſil ſoit en le debet il abaſa. Il ſerra touts foits en le debet & detinet qñt cẽy q̃ fait le bargain ou cõtract, ou apprompt le argent, ou cẽy a q̃ oblig eſt fait portſ lacſ vs cẽy q̃ ẽ oblſ ou pty al contract ou bargain, ou al apprompſ, e qnant le acſ eſt portſ pur argent, s. money, e dd ſ p le briefe. Mes ſi home venḋ xx. quarters de frument pur vn chival ꝛc. ore ſil portſ briefe de det pur le chival, le briefe ſerra en le detinet ſolem̃t, e la forme del briefe q̃ ſerra ſue en le com̃ deuant le viſ pur det de argent eſt tiel. G H

¶ Rex

¶ Rex vic' Surr̄ ſalut̄,Præcipim̄ tibi, quod iuſticies A.quod iuſtè & ſine dilatione redd̄ B.xx.s. quos ei debet vt dic', ſicut rationabilit̄ monſtrare poterit, qd̄ ei redd̄ debet,ne amplius inde clamorem audiamus ꝓ defectu iuſtitiæ &c. Teſte &c.**Et ſi le briefe de det ſoit pur auꝛs bñs ou chateux q̄ argent,donqꝫ le briefe de det ſerra tiel.** ¶ Rex vic' &c.Præcipim̄ tibi,qd̄ iuſt.A.&c. qd̄ redd' B.quend̄ librū, vel quendā cyphum,vel quendā equū, vel duos agnos præcij &c. qué vel quos vel q̄ ei iniuſtè detinet ſicut &c.

I **¶ Et ſi le briefe de det ſoit poꝛt en le com̄ deuant le vic̄ p vn** Iuſticies,**le pl̄ potꝛ remouer ceſt plee,en le commō banke p vn** Pone **ſās alc̄ cauſe monſtre en le briefe, mes le def. ne remouera cē pl̄ hoꝛs del com̄ ou comm̄ banke ſās monſtre cauſe en le briefe del** Pone,**& vnc̄ en le fine del briefe fra dit,** Fiat execut̄ iſti⁹ breuis,ſi cauſa ſit vera,alit̄ non. **Et les cauſes pur q̄l il q̄ eſt def. potꝛ remou̅ le pol ſont dit̄s, come appiert p le** Regiſter, **Un ſi le def. pleꝺ̄ foꝛrein plee,q̄ ne poꝛt eſtre trie en le com̄ &c.ou ſi le def.monſtre q̄ cēp denāt q̄ le plee penꝺ̄, maint̄ le pl̄,ou luy fauour &c.**

K **¶ Et ſi le plee de det ſoit ſue deins alc̄ liberť, ou court dalc̄ Burrough ou Citie &c. le pl̄ poꝛt remoue le pl̄ per** Recordare **ſans aſcun cauſe mis en le briefe en le common banke. Mes ſi le def. ſue a remouer le pl̄ per** Recordare **hoꝛs del ville,ou citie,ou common banke, il couiēt monſtre cauſe en le briefe, cōe auāt eſt dit. Et ſi le vic̄ remoue le plee hoꝛs dalc̄ court per** Pone **al fait le def. ou pl̄, & puis les bailifes ou offic̄ del court ꝓceꝺ̄ ſur le pl̄ & done iudgem̄t & font exec̄ &c donqꝫ le def.ou ceſty vers q̄ iudgem̄t ou exec̄ eſt fait,aū̄a briefe dattachm̄t vers lez bailifes, ou ceux que iſſint ꝓceꝺ̄ al iudgem̄t &c.de rēꝺ̄ al roy ſi bien del contēpt come al party des dam̄s &c.Et le foꝛm del briefe en le cōmon banke del det eſt.**

L ¶ Rex vic' &c.Præc' A qd̄ iuſte &c.redd' B.C.s.quos ei debet & iniuſte detinet vt dicit.Et niſi fecerit, & p̄d' B. fecerit &c.tunc ſum̄ per bonos ſum̄ p̄d̄ A &c.

M **¶ Et ie rule en le** Regiſter **eſt** quo in bri de debito de catallis nunquā dicit̄ q̄ ei debet. **Et ſi bre de det ſoit poꝛt per exec̄ ſur dutty due a lour teſtatoꝛ,le briefe ſerr̄,** quos ei detinet,**& nemy** debet & detin̄, **pur ceo q̄ ils ne fueront parties al contract. Et iſſint ſi le briefe de det ſoit poꝛt vers exec̄ pl̄ credit̄ ſur dutie p lour teſtat,le br̄ ſerra** quos ei detinēt &c. **& nemy** debēt & detinent, **com̄t que p le br̄ il dūe argēt. s.**

xx.l.ou auter ſumme de money.

¶ Et ſi home fait vn W.ſon execut,& vn chanon ſon exe- A
cut aurynt,& eſt en det al auter perſon, oze le bziefe de det
ſerra pozt vers le dit W.& vers Labbe & le chanon. Et le
fozme del bziefe ſerra tiel. Præc' B.execut teſtamti S. & Ab-
bati de C.& frat A.de C. conchanonico eiuſd Abbat de C.
coexecutori pd B.teſtimti pd xx.l. Et iſſint ſi ils pozt act,
le bziefe ſerra Præc' D.&c. qd redd B. execut teſtamti S.&
Abbat de C.fratri A.de C.conchanon eiuſd Abb.de C.coex-
ecut pd B.teſtamenti præd.

¶ Et ſi hõe ſoit oblige a vn W.& a vn Abbe en x.l.& puis B
le dit W. deuy, oze ſes exet & le dit Abb.iomd en act,& le
fozme de bziefe de det ſerra tiel, Præc' C.&c. qd iuſtè &c.
redd B.& M.exec'teſtamti R.& Abb.de C.x.l.&c.quas &c.Et
niſi &c.& pd execut & Abb.fecerint te &c.

¶ Et ſi bziefe de det ſoit pozt vs ihũ ſur obl' fait p ẽ ant,
le bziefe ſerra tiel.Præc' A.de S.fil' & hær B.qd redd &c.

¶ Et ſi ſont pluſozs heires, donques il dirra,Præc, A. C
de S fratri & vni hęred B,& B.conſanguineo & alteri hęred
eiuſd B.&c.

¶ Et ſi home ſoit endet,& deuy inteſtate, ou les execuks D
refuſe deſtre execuks, p q̃ les bñs deuend as maines del
Ordinarie,donqz les creditozs, auer̃ bziefe de det vers loz-
din,p le ſtat de W.2.ca.19. & le bẽ ſerra tiel.Præc' A. Epo
Linc',ad cuius man bona & catalla quæ fuer̃ B.qui obijt in-
teſtatus vt dic' deuener̃,qd iuſtè &c.redd &c.

¶ Et ſi les biens deuendr̃ as mains del ozdiñ,& puis l'
ozdiñ fait execuks & deuie, les creditozs auer̃ bziefe de det
vers les executozs del ozdiñ,& le bziefe ſerra tiel. Præc' A.
de B.& C.de T.execut teſtamti magiſtri R.de P. nuper De-
cani Eccl'iæ beati Petri Eborac',& cuſtod ſpiritualitatis Ar-
chiepiſc' Eborac'ſede vacante,ad cuius manus bona & catal-
la quæ fuer̃ E.de B. qui obijt inteſtat vt dicitur, deuenerũt,
qd iuſtè &c.redd &c.

¶ Et appiert per le Regiſter,q añ 16.E.3.le pl' fuit re-
ſpond a tiel bziefe q̃ il pozt vs lexecut lozdinary.

¶ Et ceſt bziefe de Dette en le Regiſter pur lozdinary vs
ceſtuy q̃ fait endet a ceſty q̃ deuy inteſtate. Mes lopinion
des Sages a ceo iour eſt, que Lozdiñ nauera action de det
vers ceux q̃ fuer̃ endet a ceſty que deuy inteſtate, pur ceo
que action eſt done as adminiſtrat,& lozdiñ poit commit
ladminiſtrac̃ des biens, quant il luy pleiſt. Mes deuant le

ſtatute

statut Edward 3. Ann. 31. cap. 11. les administrat ne poient auer action de det vs les dettors &c. per que donque semble reason, q̄ alt̄ person auer̄ action pur ret̄ ceux dets &c. Mes lord a cest iour poiet auer briefe de Trñs pur prisel des biens hors de son possess. demesne, mes nemy de prisel fait hors de possess. cesty que deuy intestate, come administr̄ poient auer.

E ¶ Si home soit retein̄ en Engl̄ de faire seruices ouster le mere, pernant pur t̄ x.l.p an, il assa br̄e de det en Engleterre, ou le retein̄ fuit.

F ¶ Et si home prist vn feme q̄ est endet as auters plons, le baron & feme ser̄ sues pur cest det viuāt le feme, Mes si le feme deuy, le baron ne serra charge pur cest det apres la mort le feme, sinon q̄ le credit de le bar̄ & feme ret̄ le det durant le couerture q̄ fuit due p la feme auant le couertur̄, donqz com̄t q̄ le feme deuie, vn̄ le baron serra charge pur paier c̄ det aps le mort le feme p cest recouerie &c.

G ¶ Home serra charge en det pur contract s̄ bailie ou son seruant, lou il doner̄ auctholitie a s̄ bailie ou son seruant de achater & vendr̄ pur luy. Et issint pur contract sa feme, si don̄ tiel auctholitie a sa feme, autment nient.

H ¶ Et si home lesse terres a terme des ans rendant rent, & pur default de paim̄t, q̄ il reenter̄ &c. ore si reenter en le terre pur non paim̄t del rent, vn̄ il auera briefe de det pur non paym̄t de c̄ rent, pur q̄ il reenter, & recouss en cest br̄e cest rent, pur q̄ il reenter.

I ¶ Si home oblige luy & ses heires a vn home en xx.li.s deuie, lheire serra charge de paier c̄, si ad tres p discent en fee simple p m̄ launc̄, autm̄t nient. Mes si home soit obligé en obligat̄ a vn hom̄ & a ses heires, & l'obligee deuie, s̄ heire nasa act̄ de det sur c̄ obligat̄, mes les executors le pere.

K ¶ Si hom̄ pmise vn xx l. a marier sa file, & il luy marie, il asa briefe de det vs luy sur cest pmise. H. 31 E. 3.

L ¶ Si Parson ad annuitie en fee en droit de la esgl̄, & le annuitie est arr̄, & le plon deuie, ses executs auer̄ br̄e de det pur les arrerages del annuitie en le vie lour testator.

M ¶ Et si home grant vn rent en fee, & ouster graunts, q̄ si le r̄et soit arere &c. q̄ il forfait̄ vn penaltie de xl.s. al graūtee & a ses heires: ore si le rent soit arere, le graunt asa briefe de det pur c̄ penaltie. Et issint semble q̄ lheire asa cest penaltie, & auera briefe de det pur cest, pur ceo q̄ ceo est come vn inheritance, q̄ continuer̄ per cas.

¶ Et

¶ Et si hõe soit condẽpn en det ou dam̃, & ẽ cõmise al pr-
sõ pur ceste, & le gaol luy lest.aler alarge, ou il escapa hors
del prison, le gaoler serra charge p brief de det a cẽy a q̃ suit
il fust condempn &c. & a ses execut &c.

¶ Si hõe apprompt vn chival tanqz a certe iour, & donqz
a deliuer arere le chival, ou r.l. a m̃ cel iour: ore apres le
iour, si le chival ne soit redeliuer, il est a son libertie de suer
brief de det p̃ le chival en le detinet, ou briefe de det p̃ le r.l.
en le debet.

¶ Si hõe lessa tre a tẽm de vie a vn fẽe, rendõ rent, & el p̃st
baron, & puis le rent est arere, & la fẽe deuie, le baron serra
charge p briefe de det p̃ cẽ rent arere, p̃ ceo q̃ il p̃st le profit
del tre p reason de son fẽe. Mes aut est de oblig. fait per
son feme auãt lespous. la le baron ne serra charge p t̃, si ret
ne soit ew vs luy & sa feme en le vie sa feme.

¶ Mes si feme soit endow de rent, & puis el prist baron,
et le rent est arere, & la feme puis deuie, le baron aũa brief
de det pur ceste rent, pur t̃ que il fuit dutie accrue a luy duẽ
lespousels. Mes si home soit obligé a vn feme, et el prent
baron, & le iour de paiñt vient duẽ les espous. & puis la fẽe
deuie, le barõ nauera action de det pur ceste oblig pur õ que
t̃ fuit vn dutie due a feme, et chose en actiõ auãt les espou-
sels.

¶ Et si person ad annuity en fé, & lannuity ẽ arere, & le
pson religñ, vnẽ le person q̃ religñ aũa brief de det pur les
arrerages auant. Et si home ad leas de manor a terme de
vie, & le rent est arere a luy des teñts que teigñ del manor,
et le lessée a term de vie del manor morust ses executors aũa
briefe de det pur les arrerages del rent due per les teñts
del manor &c.

¶ Et illint si le teñt a term̃ de vie del man̄ surrend̃ sõ es-
tate a cẽy en reũs. del manor: vnẽ il aũa briefe de det vers
les teñts del manor pur les arrerages auant.

¶ Si home ad patent le roy daũ cert sum̃ annualm̃t pur
tme des ans, ou a tme de vie del custome d̃ Lond̃ & sur ceo
il ad vn brief de liberate al Custom̃, de luy pater: le q̃l brief
il deliuer̃ al custom̃, a quel temps le custom̃ ad assets ẽ ses
mains a luy pater, ore p t̃ deliũance del liberate, & le assets
en mains le custom̃, le custom̃ est dettor a luy, & il aũa bẽ de
det sur ceste matt vers le customer.

¶ Et si 2. eux mitt en arbiterm̃t, & les arbitors agard q̃
lũ pater̃ a lauter r.l. il aũa bẽe d̃ det vs luy fra cel arbiter-
ment

H ment. ¶ Si abbe ad annuitie en fee, & lannuitie est arere il nauera bz. ese de det pur les arerages, pur ẽ que lannuitie continue.

¶ Ne person naña bziefe de det p arere de annuity q̃ il ad en fee durãt le tẽps q̃ il est pson, mes sil religiã il añia, ou I sil deuie ses exec̃ auer̃ bziefe de det. ¶ Et si hõe q̃ ẽ baily, accompt deuant auditozs, & est troue en surplus. q̃ il ad dispẽd̃ plus q̃ il ad resceiue ac. ozе pur cest surplusags il auera bziefe de det vs le sr̃ a q̃ il fuit bail. Mes si resceiuer accõpt a ẽ troue en surplus. &c. Nota. dient q̃ il nauera acc̃ de det p ẽ, p ceo que il ne fuit tenus de dispend̃ aſcun parcel de ceo, mes il semble q̃ sil fiſt ẽ p cõmandm̃t le sr̃, q̃ adonque il serra reason q̃ il maint acc̃ de det vs le sr̃ pur cest surplus.

K ¶ Un abbe serra charg. en bziefe de det sur appzõpt fait a s̃ pdecess. de argent q̃ vient al vse del meason.

L ¶ Et attozney auera bziefe de det vs s̃ client p le mony q̃ il ad pay aſc̃ pson p lõ cliẽt touchãt les costages del suit, ou a son counsell &c.

M ¶ Si hõe fait vn contract a paier ẽtaine mony p chose p luy achate: ozе sil fait vn oblig. pur cest money, le contract est discharge, & naũ bziefe de det sur le contract.

N ¶ Si home fait leas pur term̃ des anz renõ rẽt de terre deu sable p testam̃t, & puis il demise le reuersion del ẽre a vn estrañ &c. en fee, le deuisee auera action de det pur cest rent reserue, sans aſc̃ atturnm̃t del tenãt a terme des anz: mes si le lessour auera grant le reuer ẽ cõe p fine ou fait, le grantee nauera bziefe de det sans atturnm̃t del lessee pur le rent reserue.

O ¶ Si hõe soit en det & enter en religion, ses ereꝫ serrõt sue pur cest det, & nemy labbe q̃ luy accept en religion.

P ¶ Si home soit condẽpns en trespz ou en det sur oblig̃ lou il deny son fait al suit de pty, & puis cesty q̃ est cõdemn̄ est p̃s p cap̃ p fine deins lan al suit le roy, & cõmit al gaole, si le gaiter luy suffre dischap, le pty auera action de det vers le gaiter pur cest condẽnation, & vncoze il ne fuit commisa luy a s̃ fait, mes al suit le roy: mez deins lã aps le condẽnation & iudgem̃t doñ cest suit pur le roy seuer̃ sibñ pur le pte come pur le roy, p ceo q̃ le roy fuit entitle a ẽ p le pte &c. mes aps lã nemy, car la serra intẽd̃, q̃ le pty est accozd̃ ouc cesty q̃ fuit condemne, & p ceo il serra mis aps lã dañ & suer Scire fac' sur cest iudgement.

¶ Et

¶ Et si hõe lesse ẽre a t̃m des ans, rendõ rent &c. & puis le rẽt est arrere, & le lessee surrendõ son t̃n, vnẽ le lessor aũa brief de det p̃ les arreẽ deuãt, come sẽble ℔.38.E.3. tamẽ quere, car lopinion ad estre contrarie añ 2.H 6. ¶ Et si vn seruãt ne voile seruer &c. p̃ lestat añ 24.E.3.cap.9. il serra arrest, & comis al gaiter, & sil luy lesse alarge, il perdra x.l. al roy, & C.s. al party &c. ore si le gaiter lesse tiel person a- ler alarge, le pric q̃ voile auer luy reteign, auera brieue de det vers le gaiter.

¶ Si hõe recouer dam̃ en brief de wast, il poet suer brief de det sur cest recouery, sil voile.

¶ Et issint hõe punt suer brief de det sur stat̃ mchant, ou sur stat de Staũ, ou sur reconul. kant, ou punt suer exeẽ acordũ al statute a son pleasure.

¶ Vn prior recouer annuitie en fee vs vn plõ, & puis il sue Scire fac' sur cest recouery vs le successl. le parson, et recouer en cest Scire fac' les arrerages del annuitie, & puis il port brieue de det vers le parson sur ceo recouerie en le Scire facias pur ceux arrerages, et fuit maintaine ℔. 17. E.4.

¶ Vn abbe serra charge per brief de det pur vittail & autes choses necessaries achatts per le seiener, ou aut officer que est deput̃ pur faire purueiance put labbe en temps d vacation de ceo.

¶ Si hõe luy reasonable aide de ses teñts p̃ sa file marier, & puis deuie, le file nient marie, la file aũa brief d det vs les exeẽ le pere pur cẽ reasonable aide issint leuie: & si les exeẽ nont riens, il aũa brief de det vs lheire pur cẽ reasonable aide, sil ad riens per discent.

¶ Si ij. coparceners font partition, & lun grant ou promise a lauter certaine s̃me dargent pur egalty del partie, ore el auera brieue de det sur cest promise, et recouera le mony &c.

¶ Mes si hõe fait vn taile, & fait vn obl' sur ẽ, & ẽ enleal & deliuer ẽ cõe son fait, vnẽ ceo ne liera luy mes puit plede riens luy doit encount ceo, ou gage sa ley, car obl' couient estre fait en parchm̃t ou en pap, & nemy escrie sur vn piece de bois, coms taile est.

¶ Et hõe auera brieue de det vers cesty q̃ deliẽt pledge pur auter per son p̃mise de paier certaine summe &c. sans ascun fait de ceo, p̃ vide en title de ℔leg. acquietand̃ ℔. 43.E.3.

BRiefe de Rationabili ꝑte bonorū gist ou fēe aꝑs la mort la barō ne poit aū le tierce part des bñs la baꝛ aꝑz les dets paies, & funeral expens. faits, donqz el aūa cē brē vs les execē la baron, & lēble p lestaꝛ de Magna charta cap. 18. que ē fuit le cōmon ley del ēre. Et issint appiert p Glāduile, que ē est le cōmon ley, que aꝑs les dets paies, les bñz fra diuides en trois parts, vn al feme, & auē part destre enē les fits et files, & le tierce as executoꝛs &c. mes vncoꝛe les bzieues en le Regist. rehearle le custome des cōm, & sont de tiel foꝛme.

¶ Rex vic' &c. Si a q̄ fuit vxor B. &c. fecerit &c. tunc sum̄ C. & D. execut̄ testam̄ti p̄d̄ B. qd̄ sint &c. ostensur̄ quar̄ cum scd̄m cons. in coī p̄d̄ hactenꝰ optentam, vxores post mortē virorum suorū habere debeant rationabilē partē suā de bonis & catal' virorum suorū p̄d̄, ijd̄ execut̄ p̄f. A. rationabilem p̄t̄ suā al valentiā x. marcar̄ de bonis & catal' quę fuer̄ p̄d̄ B. quond̄ viri sui detinent, minus iustè, & ea ei reddere contradicunt, in isius A. damn̄ non modicū & grauamē, & cont̄ cōsuetud̄ p̄d̄, & habeas ibi sum̄ & hoc breue &c.

¶ Et ꝛēblable bzieſe de fits & file poiēt ſuer vs les exeē, & le foꝛm eſt. Rex &c. quia A. de N. & S. soror eius fecerūt nos secur̄ &c. sum̄ &c. I. de H. & E. exec' testam̄ti R. de N. qd̄ sint &c. ostens. quare cum scd̄m cōsuetudinem in com̄ p̄d̄ hactenus optentam & ap̄pbatā pueri post mort̄ patrū suorū, qui eorum hæred̄ non sunt, nec in vita patrū suorum p̄moti fuerunt, habere debeant rationabiles partes suas de bonis & catall' quæ fuer̄ patrū suor̄ p̄d̄, ijd̄ exec' p̄f. A. de N. & S. post mort̄ p̄d̄ R. p̄tis sui cuius hæred̄ ipsi non sunt, nec qui in vita eiusd̄ patris sui, p̄moti fuer̄, rationabil' partes suas ad valēc' decem libraꝛ &c. *vt supra.*

58 ¶ Secta ad molendinum.

SEcta ad molendinum gist ou home p vn vſage de temps dont &c. ad vſe de moler ſes graines al molin de W. et puis il alc al auter molin, et ſuſtrete ſon ſuit del dit molin de W. donqz ceſtuy que ad le molin poet auer ceſt brē. Et auxy il ſemble, q̄ le ſeignioꝛ puit aū ceſt brē vs les franktenants, que teigne ō luy de faire ſuit a ſon molin, & vnē il puit diſtreiñ ſes tenants pur ceſt ſuit, & de faire auoꝛdzie pur ceſt.

¶ Et p preſcription home puit auer ſuit a ſon molin des villeines

villeins dū estrange, et aūa Sectam ad molendiñ verz eux, A
e ē semble p cause de lour resiancy en certein terres, q̄ ils
demurē eins, & cē bře est alē soits vicontiel, e serē sue en le
county p vn bře de Iusticies al pleasure le pl', ou en cōmon
bank p vn Præcip̄ &c. Et le fozm̄ del bře en le com̄ est tiel.

¶ Rex Vic' &c. Præcipim⁹ tibi, qd' justicies A. qd' iustè & sine dilatione fac' sectam suam ad molendiñ E. de N. in C, quam ad illud debet & solet, vt dic', sicut rationabilit monstrare poterit, qd̄ eam ad illud facere debet, ne amplius inde clamorem audiamus p defectu iusticiæ. Teste &c.

¶ Et si le bře serē sue en cōmon bank, le bziefe serr' tiel. Præc' A. qd̄ iustè et sine dilatione faciat sectam ad molendinum E. de N. in C. quam ad illud facere debet et solet, vt dicitur, et nisi fecerit &c. tunc sum̄ &c.

¶ Et p le rule en le Regist̄, hōe aū bře de Secta &c. qd' B
faciat sectam ad furnū, et ad thorale, & ad oīa alia hm̄di, et
tenant a ūne de vie, ou en dower, maint̄ cē bē en le debet &
solet, car ceo est en sa natur̄ bē de poss. mes en le debet tan-
tum semble q̄ cest en le mere droit. Et le def. aūa le view C
en Secta ad molendiñ en le debet et solet del terre &c. et del
moleñ a q̄ &c. Et le pzoces en Secta ad molend' serra Sum̄, D
Attach. & Distr̄ &c. Et sil appear̄, & puis face default, donq̄
issera Distr̄ ad audiendū iudicium, & vncoz il purr̄ sau̇ s̄ de-
fault. Et do⁹ veies le fozme del count en cest bē en title de
Lieur de Entr̄ des plees, lou il count sur temur̄ del ře &c. et E
auł count lou il count sur p̄scripc̄, s. q̄ le ł, & touts ceux que
teign̄ cest ře ont vse de fait̄ suit al molin, qd' vide fol. 169.

59 ¶ Quod permittat.

QVod permittat gist, lou home ad cōmon de pastur̄ a ses F
beasts, & il est disturbe per ascun estrange, q̄ il ne puit
vser son cōmon, donq̄ il aūa cē bē. Et cest bē puit estre sue G
deuāt le vicont p Iusticies en le coūty, ou en le cōmon bank
p bře de Quod p̄mittat. Et le fozm̄ del bē en le com̄ est tyel.

¶ Rex Vic' &c. Præcipim⁹ tibi, qd' iusticies A. qd' iustè &c. p̄mittat B. hēre coīam pasturæ in N. ad centum oues &c. *vel* ad centum boues &c. quam habere debet, vt dicitur, sicut rationabiliter &c. ne amplius inde clamorem audiamus, *Vel sic*: Coīam pasturæ in terra ipsius A. quam in ea habere debet &c. *Vel sic*: Quod permittat A. habere coīam pasturę in centum acris ipsius A.

¶ Et le rule ẽ le Regiſtr̃ eſt, quãdo clamatur coĩa paſtur' in tra alicuius certę pſonæ, tunc non dicat̃ ad certũ numerũ aũiotũ in bri &c. Mes la forme de bẽ de Qđ permittat ſue en cõmon bank eſt tiel. ¶ Rex vic' &c. Prec' A. qđ iuſtè &c. pmittat B. habere coĩam paſturę in N. et xl. acr̃ boſci, quam habere debet, vt dicit. Et niſi fecerit, et p̃d' B. fecerit te &c. tunc ſum̃ &c. ¶ Et aut̃ forme de brefe pur cõmõ append̃, ſic: ¶ Rex vic' &c. Prec' A. qd' iuſtè &c. permittat B. habere coĩam paſtur' in N. q̃ ptinet ad liber̃ ten̄tũ ſuũ in eađ vill', vel in alia villa, de qua idem A. vel pater p̃d' A. cuius hæres ipſe eſt, iniuſtè et ſine iudicio diſſeiſ. R. patrem pred' B. cuius hæres ipſe eſt, poſt primã transfretationẽ dñi Henr̃ regis fil' regis Iohañ in Vaſconiam, vt dicit. Et niſi &c.

H ¶ Et le tule en le Regiſter eſt, quod bẽe de Quod pmitt̃ iacet de coĩa paſtur̃, turbariæ, piſcarię, et de rõnabil' eſſouerijs, verſus diſſeiſitorẽ per ipſũ vel eius anteceſſor̃ de diſſeiſina facta petenti, vel eius anteceſſori, et non in alijs gradibus, quia ibi oportet vti bri de Recto en le debet et ſolet.

¶ Mes Abbe pout auer brefe de Qđ permittat de diſſ. fait a ſon p̃deceſſ. et ferra mention del diſſeiſin en ſon bẽ &c.

I ¶ Et la forme del bẽe de libera piſcaria eſt tiel. ¶ Rex &c. Præcipe A. &c. quod &c. permittat B. habere liberam piſcariam in aqua ipſius A. in N. *Vel ſic*: in aqua in N. quam in ea habere debet et ſolet, vt dicit. Et niſi &c.

K ¶ Et eſt aut forme de bẽe de Qđ pmittat en nature de Mortdanceſt̃, et eſt tiel. ¶ Rex &c. Prec' A. qđ &c. permittat B. hẽre coĩã paſtur' in N. in qua C. pater, vel mat̃, vel ſoror ipſius B. cui⁹ hęres ipſe eſt, fuit ſeĩt̃ vt de feod', tanqm̃ ptiñ ad liber̃ ten̄ ſuũ in eađ villa die quo obijt, vt dicit̃, et niſi &c.

L ¶ Et ſi il ſoit cõmon en gres, dõq; il doit mitt̃ celt clauſ. en le bẽe, tanquam pertinens ad liberum tenem̃tũ ſuũ &c.

¶ Et iſſit vn Parſon ou Abbe auera Quod pmittat del ſeiſin ſon p̃dece ſſ. et le brefe dira, Prec' &c. quod permittat B. perſonã Eccleſię de C. habere coĩam paſturæ in N. de qua F. quondam perſona de C. pred' &c. fuit ſeiſitus vt de iure eccleſiæ ſuæ pred', die quod obijt, vt dicit. Et niſi &c.

¶ Et le rule ẽ le Regiſter eſt, Eodem modo quo dictũ eſt ſupra de coĩa paſturæ, potuit dici de omnibus alijs coĩbus, vt turbariæ, piſcariæ, &c.

M ¶ Et ſont aũs diuers bẽes de Quod permittat de auter nature, come home auera Quod pmittat vers le ſeignr̃ de ſuſtre ſes villeins de fait̃ ſunt a ſon molyn &c. Et ceo accruſt

crast per vn vsage et prescription, et le brefe est tyel.

¶ Rex &c. Præcipe A. quod iuste et sine dilatione permitt A
villanos suos de C. facere sectam ad molẽdinum B. &c. in E. &c. et nisi &c. Et prædict B. fecerit &c. tunc sum &c.

¶ Et aut̃ brefe, Pr' A. Qd' permittat B. molere dñicum bladum suũ de N. ad molendiñ ipsius A. in N. quiet de multur', qd' ad id' molend' molere debet et solet vt dicit. Et nisi &c. *Vel*, Prec' A. &c qd' permitt B. haurire aquam ad fõtem ipsius A. in N. sicut ad illum haurire debet et solet vt dicit, & nisi &c. *Vel*, qd' permitt̃ B. ad aquare gregem suũ ad aquã ipsius A. in N. sicut ad illã adaquare debet et solet vt dicit. *Vel*, Qd' permittat B. habere liber' taurũ suũ in N. sicut habere debet et solet, vt dicit, *vel*: Qd' permittat B. habere quodd' chiminum vltra terr' ipsius A. in N. &c. *Vel*, Quod pmittat B. hẽre liber' faldã suã in dñicis tris suis in I. quam habere debet et solet, *Vel*, Quod permittat habere liberam piscariam in aqua ipsius A. in N. &c. *Vel*, Quod permittat habere liberum passagium vltra aquam de Humbr' in naui ipsius A. quod in ea habere debet et solet, vt dicit &c et nisi &c. Mes home nauera Quod permittat de rationabilibus estoueriis in bosco, vel in turbaria, vel in bruera, et similibus per le vule en le Regist̃, car en lieu de ceo est done brefe Dass. de no. diss. per lestat̃ de West. 2. cap. 26.

¶ Et hõe auera brefe de Quod permittat erigere scalas in solo ipsius B. in L. manſ. ipsius contiguo, pro domibus suis ibid' quotiens opus fuerit coperiẽdis et reparandis sicut erigere debet et solet, vt dic', et nisi &c.

¶ Et hõe port aũ Quod pmittẽ de corodio, sicut præciꝑ P. Priori &c. quod pmittat B. habere sustẽtationẽ competentẽ ꝑ se et vno gartione in victu et vestitu, et omnibus alijs necessarijs, ac pro vno equo in victu singulis diebus, ac etiam sustentationem competentẽ pro quatuor hominibus de com eiusdẽ B. quatuor garcionibus, iiij equis, iiij leporarijs, et iiij. esperuerijs singulis añ, ad festa Natalis Dñi, Pasc', Pent̃, et oĩum Sanctorum, et per iij. dies post quodlibet festor' pred' in prioratu de C. &c. de qua E. quond' Prior loci ꝑd' iniuste &c. diss. F patr' pd̃ B. cuiꝰ hær' ipse est post prim' trãsfret̃ &c.

¶ Et ẽe Qd' pmittat habere chimin' en nature vl brefe de Droit, & tiend̃ sutt, & dereigñ &c. Et le def. vient et toyne le mis̃ sur le mere droit, & fuit resceu.

¶ Et en Qd' pmittat per plon, il count de fee & de droit, B
e tiend̃ sunt et dereigne &c. et le tenaunt vient et gager'

battaile &c. tempore Regis Ed. 1.

¶ Et le ſ en taile auera Quod permittat.

C ¶ Et en Qd̄ ꝓmittat de common le ſ ait dam' ſeiſ̄ en le pl', & fuit agard bone plee dabat̄ le bꝛief̄ : mes la le pl' count de ſeiſin ſon aunc̄, car home auera Quod permittat de ſon ſeiſin deñ, come ſemble bien.

D ¶ Et Quod ꝓmittat ipſum reducer̄ curſum aquę &c. que ē miſtu ñ, g ꝛ̄ bñ ꝛ̄c.

E ¶ Et home auera Quod permittat vs tenant del franktenem̄t pur lact fait, ou diſturbance fait per eſtrange, que ne fuit tenant del ſoil', & le ꝓces en Quod permittat, eſt

F Sum̄, Attach. & Diſtr̄ : & ſi le vic̄ ret̄ al ſom̄ Nihil, le pl' poyt ꝓier cap. et auera ceo, Quod vide H. 39. Ed. 3.

G ¶ Et le forme del count en Qd̄ ꝓmittat appiert ē l' liū des Entres des plees, fol. 80. primo latere.

H ¶ Et ſi home leup meaſon ou mure ou auter choſe, q̄ ē al naiauns de vn auc̄ franbk̄, et deup : ore ceſtuy, a que le nuſ. ſoit fait aūa bꝛiefe de Quod ꝓmittat vers lheire ceſtuy que fiſt le nuſ. et le bꝛiefe ſerra tiel.

¶ Rex vic' &c. Prec' A. quod iuſte &c. ꝓmitt̄ B. ꝓſternęr̄ quandā domū, vel quendam murū, vel quandam ſepem, vel quoddam molend', vel foſſatum, quem, quam vel qd' R. pater vel alius anteceſſor p̄d' A. cuius hæres ipſe eſt, iniuſte et ſine iudicio leuauit ad nocument̄ liberi ten̄t̄ C. p̄ris vel alt̄ius antec' p̄d' A. cuius hæres ipſe eſt, in ead' villa vel in alia, poſt primā &c. vt dic', et niſi fecer̄ &c. *Vel ſic:* Quod permitt̄ B. exaltare vel deexaltare quodd' ſtagnū in I. qd' pred' A. iniuſte leuauit, vel deexaltauit, ad nocument̄ liber̄ tenen̄ti ſui, vel C. p̄ris p̄d' B. &c *& ſic:* qd' iuſte &c. permitt̄ B. reducere curſū cuiuſd' aquę in I. in rectū et antiquū curſum ſuum, quem C. mater p̄d' A. cuius hæres ipſe eſt diuertit, ad nocum̄t̄ &c. *Vel ſic:* Quod iuſte &c. permittat B. obſtruere quandam viam in N quam C. pat̄ pred' A. cui⁹ hęres ipſe eſt iniuſte obſtruxit &c.

¶ Et ſi hõe leuie nuſ. al frankten̄t dū auc̄, & ceſtuy a q̄ le nuſā⁹ eſt fait, fait feffem̄t de cē tre, cēuy a q̄ le nuſ eſt fait et auꝛy cēp q̄ fait le nuſ. fait feffm̄t ō t̄ terr', en q̄ le nuſ ē fait: vnt̄ ē bt̄e en le Regiſ. pur le feffee ceſtuy, a q̄ le nuſ fuit leuy, vs le feffee del auc̄, a reforꝫ cē nuſ. Et le bꝛiefe eſt tiel.

¶ Rex vic' &c. Præc' A. qd' iuſte &c. permittat B. dearctar̄ quand' viā in N. quam C. iniuſte et ſine iudicio arctauit &c. Mes ceſt bꝛiefe neſt done per ſtatut̄, mes poit ſaluar̄ per

ſtatut̄

statut̃ Westm̃ 2. in casu consimili &c. cap. 24.

¶ Et Quod p̃mittat de Faire ou Market ſerra ſue en common bank, & le briefe est tiel. ¶ Rex vic' &c. Si A. fecerit &c. tunc sum̃ B. &c. qd' sit cor̃ Iustic'nr̃is, ostẽs. quare leuauit quodd' Marcat̃, *Vel*, quand' Feriã in I. ad nocum̃t liberi marcati, *Vel*, libere Feriæ ipsius A. in eadem villa, *Vel*, in alia, post primam &c. vt dicit. Et habeas ibi sum̃ &c. A

¶ Et semble briefe vers lheire, lou le pere leuie faire ou market al nusans de auter faire ou market &c. ou pur le heire vers lheire cesty que leuie le nus. &c.

60 ¶ Breue de Admensuratione pasturæ.

BReue de Admensuratione pasturę gist enter commíners q̃ ont cõmon appendãt a lour frãkt, q̃ ils ont, si lun de eux surcharge le cõmon, per mitt eins des pluiors beasts en le cõmon q̃ il deuer' la aũa cõmiñ, donqs cesty cõminer, q̃ luy semt greue, poyt suer vs luy cest briefe de Admeasuremt de pastur̃, & p̃ cest suit touts les cõmíners ſerra admeasures, sibñ ceux q̃ naũa surcharge le cõmõ, cõe cesty q̃ aũa surcharge, & celuy q̃ poyt laction ſerra admeasur' auxy. B

¶ Et t' br' est vicontiel direct al vic̃, & ne ſerr' retoznabl', & le forme del briefe est tyel. ¶ Rex Vic' &c. Quest̃ est nobis A. qd' B. et C. vxor eius iniustè suponerauerũt communem pasturã suã in N. ita qd' in ea plura habent animalia et pecora qm̃ habere debẽt, et ad ipsos p̃tinet habend': Et ideo vbi p̃cipimus, qd' iustè et sine dilatione admens. fac' pastur̃ illã, ita qd' p̃d' B. et C. non habeant in ea plura animalia et pecora quã hẽre debẽt, et ad ipsos p̃tinet habend' scd̃m liberũ tenẽtũ suũ, qd' habent in eadẽ villa. Et qd̃ p̃d' A. habeat in pastura illa tot animalia et pecora, quos habere debet, et ad ipsũ p̃tinet habendum, ne amplius inde clam̃ audiamus. C

¶ Mes si le t̃ surcharge le common ove ſes beasts &c. le s̃nr naũa br' de Admeasuremt vs le tenãt, mes il lẽble q̃ le s̃nr poit distr' le surp̃ pur dam̃ fes. Et aſcuns dtont, q̃ le s̃nr poit aũ Ass. vs le tenãt pur ceo surcharge, car il est disturbe del p̃fit de ſon ſoyle. Quære de ceux cases. D

¶ Mes si le s̃nr surcharge le common, le t̃ naũa briefe de Admeasurement vers le s̃nr, mes il aũa Assise de s̃ cõmon vers le seignior.

¶ Et issint si le seigñ soy approue de sõ cõmõ, & ne dimit ſufficient common al tenãt, le t̃ aũa Ass. &c. et nemy br' de Admeasurement &c. Et cesty q̃ ad common appertenant a certein

certein nũber, ou cõmon ꝑ especialty a certein nũber serra admesure, & vn ł aũa bře de Admeasuremt vs luy, mez cẽp q̃ ad cõmõ appurt sans nũber, ou cõmõ en grosse sans nũber, ne serra admesure, ne bře de admesuř ne gist vs luy.

E ¶ Et en tẽps E. 1. fuit agree, q̃ vn viciñ aueř bř de Admeasuremt vs auter viciñ, lou tls ent cõmoñ per cause de vicinage &c.

F ¶ Et si le viř ne voile faire le admesuř &c. il aũa Alias, & Plur, vel Causã nobis significes. Et sil ne řet cause al Pluř, il aũa Attachmt vs le viř. Et cest plee poit este remoue hors del county per Pone al suit le pł sans cause mře en le bře, mes al suit le def. il conient mře cause en le bře, sicome en Repl'. Et le br' de Pone est tiel. Pone ad petitionẽ petentis coram Iustic' &c. tali die loquelã, q̃ est in com tuo ꝑ bře nřm inter A. et B. de coĩa pasturř in N. admensuranda, & sum &c. ꝓd B. qđ tunc sit ibi præf. A. inde respõsurus &c. et hẽas &c. hoc breue, et aliud breue.

G ¶ Et sur cẽ br' de Admeſ. de pasturř le pł enter son pleint en le com deuant le viř, come il fra sur repł sue per bztefe al viř, & sur ceo le viř fra pzecept vers le def. &c. et garñ luy de apper', et sil vient, et riens pleđ en barr', ou graunt ř, donq̃ le viř fra ladmeasuremt.

¶ Mes si le def, mõstr' cause al viř, pur q̃ admeasuremt ne serra fait, cẽble q̃ le viř ne doit faire admeasuremt donq̃ sur cest br', mes q̃ le pł doit remoū le plee ꝑ Pone en common banb, ꝑ quel Pone le def. aũa tour dapper' &c. Et sil ne appere, donque issera br' de Distř direct al viř de distreiñ le pty, & tiel tour serr' done ꝑ cest br', q̃ 2. com poyent estre tenus perentr' le date del br' & le retoznñ de ycel, & en les 2. com publike pzoclamař serra fait, q̃ il vener a monstr' ꝓ q̃ admeasuremt ne serra fait. Et sil ne veign al distr' retoznñ, donq̃ br' serr' ag. al viř de faire admeasuremt ꝑ s̃ default, & ceo est done per lestatute W. 2. cap. 8. & le bztefe est tiel.

H ¶ Rex vic' &c. Cum A. nuper nobis questus est quod B. et C. iniuste supẽronerauerũt communem pasturã suã in N. ita quod in ea plura habeãt animalia et pecora qm̃ hẽre debeant, et ad ipsos pertinent habend': Per quod tibi ꝑcepimus, qđ iuste et sine dilatione admensurati facer' pasturam ill', ita qđ predicť B. et C. non habeant in ea plura aĩalia et pecora qm̃ hẽre debẽt, et ad ipsos pertinent habend' scđm liberum tenẽtum suũ in ead' villa. Et qđ ꝺdicť A. habeat in pasturř illa tot animalia et pecoř, quot habeř debet, et ad ipm ꝑtiñ habend

bend' &c' ne amplius &c. ac tu nihil inde feceris, sicut ex querela ipsi⁹ A. accepimus, cūq; in bri nro de Admensurac' pastur statuerimus, qd' post magn districtiōn dentur dies infra quos duo com teneāt, ad quos ꝓclametur, qd' re⁹ veniat actori rndere. Ad quē die si non venerit, fiat admens. ꝓ defaltam: Tibi ꝓcipimus, sicut alias tibi ꝓcepe, qd' iust' et sine dilatione admēsur fac' pastur antedict, iuxta tenorē alterius bris nri tibi inde directi, et iuxta formā stat nri inde ꝓuis. et ceit, ne ꝓ pf. A. oporteat nos sup hoc iterat solicitari, l'. &c.

A ¶ Et quāt le plee est remoue p le Pone en cōmon bāk, et le pl' appe, & le def. aury, donq; le pl' counte vers le def. Et vide le forme del count en le Liu de Entr des plees f. 128.

B ¶ Et si le def. grant dauer Admeasurem̄t, tiera bē al vic' de faire le admeasurem̄t q̄ terra tiel. ¶ Rex vic' &c. Præcipimus tibi, qd' assumptis tecū xij. &c. per quos &c. qui nec &c. in ꝓpria ꝑsona tua accedas ad coīam pastur admensurand', et ꝑ eor sacramētū admensur fac' coīam pastur pd', ita qd' pd' S. et C. def. non habeāt plura &c. et ad ipsos pertinent habend' scd'm liber tenūtū suū, qd' habēt in eadē villa. Et qd' pd' R. habeat in pastura illa tot animalia et pecora, quot habere debet, et ad ipsū ꝑtinet habere scd'm liber tenūt suum, qd' habet in eadē villa, et admensur quā &c. scire fac' coram iustic' nris &c. sub sigillo tuo, et sigillis eorum &c.

C ¶ Aps le Pone retorn de remoue le plee del admeasurement hors del com, si le def. fait default al iour de ret del briefe, donq; tiera bē al vic' a distrein le def. & en meisme le brē terra contein, que il face cuert ꝓclamatiō en 2. com &c. q̄ le def. vener en le cōmō bank al iour del retorn del distr' a rndre al pl' &c. ¶ Et si le vic' retorn le brē seruie &c. & l' def. ne veign, donq; tiera bē al vic' de faire Admeasurem̄t.

D ¶ Et appiert p le Lieur de Entries des plees, q̄ Admeasurem̄t ne gist vers le seignr del fee, fol. 128.

E ¶ Et si home soit vn fours admeasur̄ p briefe de Admensurac' pastur direct al vic', & p le vic' &c. et puis il surcharge le cōmon aps, donq; le ptie q̄ sue le primer brē auant aūa brē al vic', q̄ est appel brē de Scda superonerac', & le briefe est tiel. ¶ Rex vic' &c. Monstravit nobis A. qd' cum ipse breue nr̄m nuper tibi detulisset de coīa pastur sua in N. admensurand', qm B. iniuste superonerauit. Et tu pastur ill' per ꝓcept nr̄m, prout moris est in regno nro admens. &c. idē B. pastur illā post admēs. pd' iterū iniuste superoner in ipsi⁹ A. dispēd' non modicū & grauamē, et cōtr form̄ stat nri sup hoc ꝓuis.

Et

Et quia eid' A. iuxta formã eiusdẽ statuť subuenire volumus, vt tenemur: Tibi ꝑcipimus, qd' tu in ꝓpria ꝑsona tua accedas ad pasturã illã, & ꝑ sacramẽtũ ꝓborũ et legaliũ hoĩum de ball' tua, ꝑ quos rei veritas meli⁹ sciri poterit de secunda superoneratione eiusdẽ pastuť diligẽtèr inquiť. Et si ꝑ inquisitionẽ illã pastuť ill' ꝑ ꝑf. B post admens. iterũ iniustè superoneratˢ inueneris, tunc de auerijs illis in pastuť ill' vltr̃ debiť numer̃ post primã admẽsurac' positis, vel de precio illoꝝ nobis rñdeas ad scacc', et suponerationũ amoueas sup̃. T. &c.

F ¶ Et appiert ꝑ ceste bře, q̃ home aũa bře de Superonerac' sur le ꝓmer bř̃ de Admeasuremt de pastuť, q̃ est vicontiel, & direct al viĉ, si le viĉ fait admeasuremt ꝑ ceste bře, & puis le def. surcharge le cõmon apꝛs, sibñ come sur bř̃ de Admesuremt ag. hoꝛs de cõmon bank sur tudg. la done &c. Mes sur le bř̃ de Admeasuremt ag. al viĉ, ꝑ q̃ il fait admeasuremt, si le def. surcharge le cõmon apꝛes, le bř̃ de Secunda superonerac' ſerra agard hoꝛs del chãcery: Mes sur tudg. done en commõ bãk de admeasur' &c. si le def. surcharge le common, le br' de Scda superonerac' ſerr' ag. hoꝛs de cõmõ bãk &c. Et le foꝛme de count en bꝛieue de Admeas. est tiel.

G ¶ Et vnde ꝑd' q̃rens queritur, qd' cũ ipse seisit̃ sit de vno mes. cũ ꝑtiñ in S. ad qd̃ idẽ querẽs habet et hẽre debet coĩam pastuť cum quatuor equis &c. in centũ acris pastuť vocat̃ B. quolibet ann̄ per totũ annũ ꝑtiñ. Et pred' def. seisit̃ existit in dñico suo vt de feod', de quatuor virgat̃ tr̃æ, cũ ꝑtiñ in eadẽ villa, ad quas idẽ defend' habet & hẽre debet coĩam pastuť cũ cẽtũ equis, et xx. bobus &c. quolibet ann̄ per totũ annũ ꝑtiñ, ꝑd' defend' iniustè superonerauit coĩã pastuť pred' vocat̃ B. ita qd' in ea plura habet animalia et pecora quam habere debet, et ad ipsũ pertinet habere, vnde dicit qd' deterioꝝ est, et damnum habent ad xx. li. et petit admensurae' &c.

H ¶ Et ꝑ le br' de scda superoner̃ le ꝑt̃ recoũa les damꝛz ꝑs cesty q̃ fuit def. en le ꝓmiñ bꝛieue, & auxy il foꝛf. al Roy les beasts q̃ il mitta en pastur' ouster le due nũber apꝛes ladmeasuremt fait, & tout ceo est per lestatut de W. 2.

I ¶ Mes Nota, q̃ ꝑ le br' de Admẽsurac' toutz l'z commiñers serr' admesures sibñ come ceux q̃ sõt parties al bꝛieue: Mes vn̄ si ast̃ de eux q̃ sont commiñz, q̃ ne fuer' ꝑties al br' de Admeasuremt &c. surcharge le cõmõ apꝛ ladmesuremẽt, ils ne foꝛfeita l's beasts, ne le value de ceux q̃x fuer' en le pasture ouster le due nũber, pur ceo q̃ ils ne fueront parties al ꝓmer br', ne le party ne reconera damꝛz vs eux

pur

par cel surcharge en cest briefe, car briefe de scā a superone-
ratione ne gist, sinon solem̄t vers cesty, vers que le primer
briefe fuit sue.

61 ¶ Breue de Reparatione facienda.

BReue de Reparatione facienda gist en diuers cases, vn A
est lou iij. sont ten̄ts en cōmon ou toint̄, ou pro indiuiso
de molin ou mease &c. le q̄l chiet en decay, & lun voit faire
reparation, & les auts ne voit ceo faire, il aūa briefe vers
eux, le quel serra tiel.

¶ Rex vic' &c. Si A. fecerit &c. tūc sum̄ &c. B. & C. qđ sint B
&c. ostensur̄, quare cum ijdem A. B. & C. quoddā molendinū
in N. p indiuiso teneāt, et ipsi exitus inde puenientes p e-
quali portione inde pcipant, et ad reparation̄ et sustent̄ e-
iusđ molendini teneant̄, ac ijp B. & C. licet portionē de ex-
itibus illis ipsos cōtingent̄ pcipiant, repationi tn̄ & sustent̄at̄
pđ molendin̄ contribuer̄ cont̄ dic', in ipsius A. dampn̄ non
modic' & grauam̄ vt dicit, et hēas ibi sum̄ &c. ¶ Et issint si C
hōe ad vn mease adioināt a mō mease, & il suffr̄ s̄ mease gi-
ser ē decay al nusl. de mon mease, ieo aūa briefe vers luy de
repar̄ s̄ mease en tiel forme.

¶ Præcipe A. qđ &c. reparari fac' quandā domū suā in N.
que minat̄ ruinā ad nocumēntū liberi tenem̄ti B. in eađ vill', q̄
reparari debet et solet vt dicit &c. et nisi &c.

¶ Et issint si ieo aye vn passage oubt̄ vn pont, q̄ vn aut̄ D
doit faire, & il suffr̄ le pont de giser en decay, ieo aūa briefe
vers luy en tiel forme. ¶ Rex &c. p̄cip̄ A. qđ &c. reparari fa-
ciat vna cum B. & C. participib⁹ suis, pontem vel quoddam
stagnum in N. quē vel qđ cum eis repar̄ debet vt dic', & nisi
&c. *vel sic*: quendā pont̄, vel quoddā stagn̄, qui vel quod di-
rut̄ vel dirupt̄ est, ad nocument̄ liberi tenem̄t B. in eadem
villa, quem vel quod facere debet et solet &c. vt dicit, *vel sic*:
reparari fac' cum B. & C. participibus suis fossata & wallias
in N. quæ diruta sunt ad nocument̄ liberi tenementi B. & C.
quas vel quæ cum eis reparare debet et solet vt dic' &c.

¶ Et si al̄r̄ pont ou walle, ou sewer soit enfreint al nusl. E
de pais, al surmise fait de al̄r̄ plon de ceo ē chanc̄ le Roy,
que certain persons deuer̄ ceo faire, il auera briefe al vic̄ a
destrein̄ icels plons q̄ deuer̄ ceo repairer, a causer eux de
repairer cest &c. Mes appt p le Regist̄, que le Roy mand̄
son commission al vic̄ denqrer, que deuer faire tiel pont et
que il eux dist̄ a faire cē, & repairer t̄, mes est ouste per

estatut

estatute fait añ 28.E.3.9.que commiss ne serra fait al viℓ de ꝑnō endictmẽt,& le roy put mãdℓ al viℓ de diskℓ ceux plons q̃ deuck faire,ou repaire tiel chimin ou causey,ou pauemẽt,& sur ℓ Al' & Plur̃ sil ne fait riens, & Attach sur ℓ. Et si le pont ou chimin soit en le comũne des coñ,il auera seueral briefe a cheskℓ viℓ q̃ ils distraiñ ceux en lour baillywicks,q̃ ils one ꝛ homes del auℓ coñ serra les ponts & chimins &c.

F ¶ Et est auℓ briefe en le Registre en le title des briefs ō Ex graui quærela,tiel. ¶ Rex Maiori & Vic' de A.salut̃,Ex pte W.nobis est ostens. qđ cũ ipse habeat quoddℓ selarium cum ꝑtiñ in ꝑdictℓ villa de A. ac I.habeat quoddam selarium cum ꝑtiñ in eadℓ villa desup selarum ꝑdℓ dirutũ & confractum,ad nocumentum selarij ipi W.& per ꝑs. I.scđm consuetudℓ ville ꝑdℓ reparar̃ debeat,idem tamen I.selarium illud reparari cõtradicit,ꝑut dicit.ad graue dãpn̄ ipsius W.& contra consuet ꝑdictℓ: Et quia nolum⁹,qđ idẽ W.iniurietur in hac ꝑte: Vobis ꝑcipimus, quod vocatis coram vobis ꝑtibus ꝑdictℓ, auditisq; hinc inde eorum rationib⁹,cidẽ W.in ꝑmiss.fieri fac' debitum & festinũ iusticię complementum, ꝑut de iuℓ & scđm consuetℓ &c.

¶ Et sur ℓ le Maire & viℓ ou bailife proceđ,& fra proces ꝺs le ꝑties &c. Et si ils ne vont, il poit suer Alias & Plur̃ & Attach.vers le Maire & bail'.

62 ¶ Breue de Curia claudenda,est pur reparation de ses hayes.

G BReue de Curia claudenda poit estre sue deuãt le viℓ en l' coñ,& donq̃ le briefe est tiel.

¶ Rex vic' &c. Iusticies A.quod iuste &c. claudℓ cur̃ suam in N.quę aperta est ad nocumentum liberi tenementi B. in eadem villa, vel in alia villa, quam claudere debet & solet vt dic', sicut rationabiler monstrare poterit,quod eam claudere debeat,ne amplius &c.

H ¶ Et cest briefe gist ou hõe doit enclose son soile de vn auℓ son vicin, & ne voile faire ceo,il añ cest briefe & le briefe poit estre sue en comen banke,& donq̃ le briefe serra tiel.

I ¶ Rex &c. Præcipe A.quod iuste &c. claudat cur̃ suam in N.q̃ apta est, ad nocumentum liberi ten̄ *vsque ibi*, debet et solet. Et nisi &c. Et cest briefe poit estre remoue hors del coñ al suit le pleintℓ sans cause, et al suit le deℓ. il couient mẽe cause en le briefe.Et en le fine del briefe serra cẽ clause

I iar

Fiat executio breuis &c. si causa sit vera, aliter non.

¶ Et le Cur̄ claud̄, ne gist sinon vers cesty que ad close A
pchein adioinant al terre le pl̄, & ne gist sinon pur cesty que
ad estate de frankt̄ en le fre, car t̄ a terme des ans nauera
act̄. Et le view̄ gist en ceo briefe.

¶ Mes il semble, si home ad comen en grand wast a luy B
& a ses heires, ou a time de vie, & cesty q̄ ad terre adioinant C
al cest wast, que doit enclos. entr̄ le wast & s̄ soile, ne voile
faire son enclos. vn̄ le comin̄ naūa cest act̄ pur le dam̄ que
il sustain &c. coūt q̄ le comin̄ poit distr̄ les beasts dam̄ feas.
en la fre q̄ est son common, car le brief supp̄ ad nocument̄
liberi ten̄ le pl̄, q̄ pue q̄ le pl̄ conient aū le soile adioinant
&c. sil auera act̄. ¶ Et le pces en cē brief est som̄, attach. et D
distr̄, & sil appeare & puis fait default, il aūa distrinḡ ē lieu
de petit Cap̄ &c. & sil fait default al iour de cē brief ret̄, il a-
uera brief denqrer des dam̄, & auxy briefe de distr' de faire
les reparations &c. ¶ Et en cē brief il en s̄ count couient E
monstre le certainty del fre q̄ le pl̄ ad la adioināt al def. & l'
etaintie del fre q̄ le def. ad la adioināt, le q̄ il doit enclose,
& de alleg. p̄scripc̄ del enclos. &c. cōe appt p le coūt en le liure
des Ent̄ des plees fo. 32. primo latere.

63 ¶ Briefe de Quo iure.

Briefe de Quo iure gist, ou home ad terre en fee, & vn F
auter claime cōmon en cel terre, donques cesty que doit
la terre auera cest briefe vers cest comin̄ que claim̄ le com-
mon, & le forme del briefe est tiel. ¶ Rex vic' &c. Si A. fecerit G
&c. tunc sum̄ &c. B. qd̄ sit &c. ostens. quo iure exigit &c. coīa
pastur̄ in tra ipsius A sicut idem A. null'hēt coīam in terr̄ ip-
sius B. nec idē B. seruitiū ei faciat, quare coīam in tra ipsius
A. habere debet, vt dicit, & habeas inde &c.

¶ Et cest brief gist p le sr̄ del ville ou del wast, ou pur H
ascē aut̄ ten̄t q̄ ad cōmon claim̄ per aut̄ en sa fre, coūt q̄ il
ne soit sr̄ del wast, ne del vill' &c.

¶ Et cē brief en sa nature ē vn brief de droit, car q̄nt le I
pl̄ ad count en cē brief, l' def. ferra defēce, & ferra s̄ title dam̄
le cōmon, & alleg̃ seisin de r̄, & les esplees &c. Et qd̄ tale sit i-
suū offert &c. come le dūāt ferra en brief de droit, & donqs le
pl̄ en le Quo iure ferra defence & defendr̄ le seisin allege p
le def. en le Quo iure, & ioind̄ le mise &c. sur le mere droit, ou
p battaile &c. Et vide cest count & form̄ de pled̄ ē Quo iure
en le liu̇ de Entre des plees 96. scdo latere, & fo. 80.

Et

Et in ceſt Quo iure poꝛt p ij. ſom̃ & ſeũance giſt, & le nonſuit iun ne ſerra nonſuit de lauter, & cẽ Quo iure giſt vers ſeũal teñts, cõe appt H. 14. H. 3. Mes ẽ cẽ caſe il ſemble q̃ ils ſerra ſeũal defence, & ils ſerr̃ ſeũal titles, & toinꝺ l' miſe
L ſeueral, & le view ſerra grant en ceſt bꝛief. Et ꝓces en ceſt bꝛiefe eſt, ſum̃, attach. & diſtr̃, & ap̃s apparance ſi le def. fait default, iſſera vn grand diſtr̃, en lieu de petit cap. &c.

64 ¶ Breue de Rationabilibus diuiſis.

B Briefe de Rationabilibus diuiſis eſt vn bꝛief de droit en la nature, & giſt ꝓ perſõt lou 2. homes ont terres en diũs villes ou hamlets, iſſint q̃ iun eſt ſeiſi del terre en iun ville ou hamlet, & iauꝭ del terre en iauter ville ou hamlet ap luy, & ils ne ſcaueñ les boundes del ville ou hamlets, que eſt le terre iun, & q̃ eſt le ſre iauter, & doncꝫ a mitꝭ ceux boundes en certꝭ, cẽ bꝛief giſt p̃ iun vs iauꝭ, & le foꝛm̃ del bꝛe eſt tiel.

R ¶ Rex vic' &c. Præcip̃ tibi, quod iuſtè & ſine dilatione fac' eſſe rationabiles diuiſas inter ſ̃am A. de B. in C. & ter̃ D. de E. in F. ſicut eſſe debent et ſolent, vnde idem A. quæriť, quod p̃d̃ D. plus inde trahit ad feodũ ſuũ, quã ad ipſum pertinet habend', ne amplius &c. Teſte &c.

D ¶ Et cẽ bꝛief giſt p̃ teñt en fee ſimple, & vs ſ̃ a terme de vie, & en ſ̃ bꝛief le ſ̃ a term de vie añ a aide de cẽp en reuerſ̃, & ilz potent toinꝺ le miſe en ſ̃ bꝛiefe, & ſerra trie p grand aſſiſe &c. come en auꝭ bꝛief de Droit ſerra.

P ¶ Et cẽ bꝛief eſt vicontiel, & poit eſtre determin p le viſ̃, car le pl' ſur cẽ bꝛiefe ſerra ſon plaint deuant le viſ̃, en nature dun count, & ſur ceo le viſ̃ ſerra p̃cept a garñ le def. &c. Et q̃n il vient le pl' ſerra ſon count, & le def. rñꝺ a cel en le countie, & ſil de dedit &c. doncꝫ le viſ̃ ſerra le ptition & diuiſion del ſ̃re enſ̃ eux per certꝭ meates & bounds.

D ¶ Mes ſi le pty def. voiť pleꝺ & toinꝺ le miſe &c. ſur le meñ dꝛoit, & luy mitꝭ en grand aſſ. doncꝫ le pl' couñt remoũ ſ̃ &c. p Ponc ſans cãe, & le def. poit remoũ ceo oue vn cauſe &c. come eſt dit en auꝭs bꝛiefs, & le count en cẽ bꝛiefe eſt de
R tiel foꝛme. ¶ Et idem A. modo venit et dicit q̃d̃ cũ rationabil' et rect̃ deuiſ. eſſe debẽt, inter ſ̃am p̃d̃ N. &c. in S. et terram ipſius A. in B. diuiſis p̃d̃ incipient̃ verſus Boream in quodam loco vocato K. et ſic directe verſus Auſtrũ in longitudiné per L. vſque E. vltra quas diuiſas p̃d̃ N. &c. nihil habere debet verſus Occident̃, idem N. &c. vltra diuiſ. p̃dict̃ traxerit ad feodum ſuum in S. de terra ipſius A. treſcent̃ act̃ morę et

paſtur̃

paſtur &c. Vnde id A. dicit qd quidã W. nup pat ſuus fuit ſeiſitus in dñico ſuo vt de feodo p diuerſas metas & bondas tempor pacis tẽpore &c. capiend inde explet &c. ad valenc', & qd tale ſit ius ſuũ offert &c. Let poet toinꝺ le mis p battaile ou per graund' aſſ. &c.

A ¶ Et diũs teñts en cõen dũ vill' ou hamel' poient vſer cẽ bziefbers ceſty q eſt teñt dauũ vill' adioinãt, & ils coſtũ vn count, & ferẽ lour ſeueral titles en cẽ coũt, & lieñ les eſplẽes ſeueralmẽt en m̃ le count. Qd vide in le liũ des Entres des plẽs fol. 167.

B ¶ Et le def. ferra ſ̃ defence ſeueralmẽt vers cheſcũ de eux & puis gag̃ battaile ou toinꝺ le mis a ſ̃ pleaſure &c. donqs les pl's repliẽ a cel, & reherſ. de nouel lour coũt, & alleg. les eſplẽes, cõe auãt, & donqs de toinꝺ le mis oue le teñt ſur le mere droit, ou p battail al pleaſure le teñt. Et ſils toinꝺ le mis en le com̃ deuãt le viẽ p battail, ẽ ſerra la def. miñ, mes nemy p grand aſſiſe &c. Et il ſẽble q t en taile, ne p̃ſon deſ- C gliſe, ne t a t̃m de vie naũa cẽ bzief, car couiẽt aũ eſtate de ſa q maint cẽ bzief, & ſum & ſcũance giſt ẽ cẽ bzief, & l'view ſerra grãt en cẽ bzief. Et toint ou copcenel ẽ bon pleẽ ẽ cẽ D bzief. Et le bẽe poit eſtre pozt vs dũs ſcũal t's aſſets bien, E q ont teneñts en ſcũaltie ou en comẽ en iauũ ville &c.

65 ¶ Ex parte talis.

F C Eſt bziefe de ex parte talis giſt ou hõe aſſign̄ auditozs a vn bail' ou reſceiuer daccõpt &c. & les auditozs ne voil' allower al bailie ou reſceiũ ſes reaſonabl' allowãces q ils deuel' fail', mes luy cõmitt' al p̃ſon &c. ozc ceſty q eſt iſſint ẽ gard aũa cẽ bziefe de Ex pte talis &c. Mes ſi hõe poꝛt bẽe daccõpt, & auditozs ſont aſſignes a luy q ẽ bailie ou reſceiũ ꝺ p̃nꝺ ſõ accõpt &c. & ils ne voil' allower a luy ceux allowances q ils deuel' faire &c. naũa cẽ bzief de Ex pte talis, ne nul auũ remedie en t̃ cas, car il poit monſtre t̃ as Juſtic̃, & eux ferẽ remedy.

¶ Et ſi le pl' daccõpt ſoit ſue en Lonꝺ vs vn receiũ &c. ou ẽ auũ court ꝺ recoꝛꝺ, & le ptie appel̃, & auditozs a luy aſſign̄ p le court &c. & ils ne voil' allower al reſt̃ tiels allowances q il penl' q ils deuer' faire: ozc il aũa Ex pte tal' &c. Et le foꝛm̃ del bziefe Ex parte talis eſt tiel. G

¶ Rex &c. Ex parte A. capti & detenti in priſon̄ nr̃a Linc' pro arreragijs cõpoti ſui, in quibus B. aſſerit ipſum ſibi re-

teneri de tẽpore q̃ fuit balliuus ſuus in N. nobis eſt oſtenſũ qđ auditores cõpoti p̃đ per ipſũ B. ad hoc deputati, ipſũ A. ſup eodẽ cõpoto indebit̃ grauauerunt, onerando ipſũ de receptis, que non recepit, vel non allocãđ ei expen. & liberationes rationabiles, in ipſius A. dãnũ non modicũ & grauam̃. Et quia nolum⁹, qđ eid̃ A. iniurietur in hac parte, tibi p̃cipim⁹, qđ ſi p̃đ A. p̃ teſtim̃ auditor̃ cõpoti liberat̃ fuerit, & inuenerit tibi ſuffic' manucapt̃, qui eũ manucapiant habere corã Theſaurario & baronibus noſtris in ſcaccario nr̃o, ad reddend̃ p̃f. B compotum ſuum iuxta form̃ ſtat̃ de cõmuni conſilio regni nr̃i inde ꝓuiſi, tunc ip̃m A. a p̃ſona p̃đ, ſi ea occaſione & non alia detineat̃ in eađ, deliberari fac' p̃ manucaptionẽ ſupradict̃. Et ſcire fac' p̃đ B. qđ tunc ſit ibi cum rotul' & talijs, ꝓ quos p̃đ A. cõpotum ſuum p̃us reddidit, ad faciend̃ & recipiend̃ in p̃miſſ. qđ de iure & ſecđm form̃ ſtat̃ p̃dict̃ inde fuerit faciend', & habes ibi nĩa manucapt̃ illor̃, & hoc br̃e T. Cc. *Ziae ſtat' inde Weſtm'* 2 ca. 11.

¶ Et cẽ bꝛief ſerra retoꝛnable deuãt le treaſurer del eſchequer, & deuãt les barons del eſchequer a certaine tour, come appiert per le bꝛiefe.

¶ Et ſi hõe ad auditoꝛz aſſigñ a luy en Lond̃ ꝓ le partie, q̃ur p̃ſt laccõpt, & ne voil̃ allower les tailes ou auters choſes deſt̃ allowes, mes luy cõmit al garđ & p̃ſon, & p̃ ť que il eſt eſtrange en le citie, il ne ſcaũ trroũ ſuerties en le citie đ luy p̃ad al bail' p̃ ſuer ſ̃ bꝛief de Ex parte talis &c. donq̃z il poit manđ al chanc̃, & mitt̃ ſuertie en le chanc̃ deuãt le roy la &c. Et ſur ť il aña bꝛief al vic̃ de L. đ hoꝛs del chanc̃ reheart. ceſt matt̃, & comt̃ il ad troũ ſuertie la ſolonq̃z le ſtat̃ &c. commanđ les vic̃ de luy deliuerer, & le bꝛiefe ſerra tiel.

¶ Rex vic' Lond' &c. Ex p̃te A. &c. *vt ſupra uſque ibi*, non modicum & grauamẽ. Et quia idẽ A. forinſecus ẽ in ciuitate noſtra Lond̃ & ignotus, p̃ qd' manucaptores de ead' ciuitat̃ inuenire non poteſt, de habend' ipſum corã Theſaurario & baronibus noſtris de ſcaccario ad reddend' cõpotum ſuũ p̃dict̃ & ad faciend' vlterius, & recipiend̃ qd̃ curia noſtra cõſiderauit in p̃miſſ. voſq; alios manucaptores q̃ de ciuitate ab eodem A. admittere recuſaſtis, ac idem A. ſufficient̃ manucaptor̃ corã nobis in canc' nr̃ inuenit, viz. C. D. & E. de com̃ Ebor̃, q̃ eum manuceperunt habere coram Theſaurario vel eius locũ tenente, & baronibus noſtris de ſcaccario in quindeñ Paſchæ, ꝓxim̃ futuro, ad recitand̃ ibidẽ compotũ ſuum p̃đ & ad ſtand' recto in p̃miſſ. ſecđm form̃ ſtat̃ de cõi conſilio

regni

regñ nostri inde ꝓuisi: vobis mandamus, qđ ipsum A. a ꝑsonꝫ
ꝑđ, si ea occasione & non alia detineatur in eađ, interim de-
liberari fac' ꝑ manucaptꝫ supradictꝫ. Et scire fac' ꝑđ B. qđ tũc
sit &c. ꝑ quos ꝑđ A. compotum suum prius reddit supradictꝫ,
& ad faciendꝫ & recipiendꝫ qđ iustum fuerit, & consonũ ratio-
ni. Et habeas ibi hoc breue &c.

¶ Et sil remain in ꝑson, il puit suer Ex ꝑte talis ꝫ deuãt le treasurer & les barons del eschequer, & sur ceo il puit auer bziefe hors del Chancerie direct al treasurer & barõs del eschequer q̃ ils ꝑnd̃ surety de cesty que est en ꝑison lonqꝫ le sorme del statute. Et q̃ ils luy face deliuerer hors de ꝑison &c. & ascũa auk̃ bziefe al gaoler, q̃ il maund̃ le corps deuant le treasurer & barons del eschequer, & q̃ il dcliuũ le corps q̃st le treasurer & barons a luy mitt̃ bziefe de ĩ latre &c. q̃l bziefe appiert ꝑ le Regist̃. A

¶ Et si hõe soit commit al gaol ꝑ les auditors pur arerages de son accompt, & puis il escape hors de ꝑison, ore le gaoler satisfiera le ꝑty, a q̃ suit il fuit commiss̃. a luy, & le gaol' ascũa especial bziefꝫ s̃ cas vers le ꝑsoñ, ꝑ respond̃ ꝑ les-chape & des dam̃ q̃ le gaol' ad sustein̄ ꝑ cest: quel bziefe est ent̃ les bziefes de Ex parte talis ĩ le Restist̃, mes il semble reasonable, q̃ le gaoler luy puit repnd̃, & issint est lopinion de ascuns liours. B

66 ¶ Breue de executione super statutum mercatorum.

BRiefe de executione sup statutum mercatorũ gist en case ou home est oblig, en statute m̃chant deuãt aslẽ maire ou bailie daslẽ vill' ou borough, q̃ ent power de ꝑnd̃ tiels obligations ou reconus. en certain̄ sume dargent a paier a certaine iour, a q̃l iour il ne ceo pay &c. donqꝫ cesty, a q̃l tiel obl' ou reconus. est fait, puit ven̄ al maire, ou a cesty deuant que tiel reconus. ou obl' est fait, & de luy ꝑer de certifier cẽ obl' &c. en le chanc̃ south son seal' accord̃ al stat̃ de Marl̃ Burnel de ĩ ent̃ fait. Et sil ne voile ceo certifie, come il deuer̃, donqꝫ le reconisee puit auer tiel bziefe direct al maire. C

¶ Rex dilectis sibi maiori Linc', & Ticlẽ ad recognĩom debitorum apud L. accipiend̃ deputatis sal'. Et parte I. nobis est ostensum, qđ cum R. ann̄ regni nostri decimo, coram W. nuper maiore ville Linc', & H. nunc clerico ad hm̃di recogn̄ in eadem ville accip̃ deput̃, recognouisset se debere

p̄ſ. 24. l. iuxta formam ſtatuti dudum apud Actō Burnel pro mercatoř editi, certis t̄minis ſoluend', & licet termini ſolutionis p̄dict' iam diu ſunt elapſi, idemque I. vos ſepius requiſierit, vt nos in cancell' noſtra de recogn̄ p̄d' iuxta formam ſtat' p̄dict' certificaretis, & vos t̄n nos in cācell' noſtra p̄dict' ſup recogn̄ p̄d' hucuſq; certificar' diſtuliſtis, et adhuc differtis, vnde quamplurimum admiramur. Vobis mandamus qd' ſcrutatis rotulis de hm̄di recogn̄ coram præf. W. & H. anno præd' factis in cuſtodia veſtra, vt dicieur, exiſtentibus, ſi inueneritis recogn̄ p̄d' in forma p̄d' fact' fuiſſe et terminos ſolutionis præd' elapſos fuiſſe, et nos in cancell' noſtra alias inde certificat' non fuiſſe, tunc nos in eadem cancell' ſuper recogn̄ præd' diſtincte & apte, iuxta form̄ ſtatuti p̄dict' ſub ſigill' p recogn̄ mercatorum ibm̄ deputatis certificetis vt vlterius ſuper hoc fieri faciamus, qd' ſecund' form̄ p̄dict' ſtatuti fuer' faciend'.

D ¶ Et ſil ne voile certifie p ceſt bziefe, il poit ſuer̄ Alias et Pluř & Attachment vers le maire & le clerke. Et appiert per ceſt bziefe que ſi lobl' ſoit vn foits certifie en chancery, q̄ ceo ne deuer̄ eſtre certifie arere ſans Affidauit fait, que exer̄ ne fuit ſue ſur ceo, & donque il auera eſpecial bziefe al maire pur cel &c. car donq̄ ſerra pzis ſeueral obl' ſur cheſ̄ certificate.

E ¶ Et auxy il couient eſtre certifie ſouth le ſeale de luy q̄
F eſt deputie pur ſealer lobl' del ſtatute. ¶ Et ſi maire fait certifi'r̄ al chancerie, donque le partie auera tiel bziefe dexecuter le ſtatute.

¶ Rex vic' Linc' ſaluť. Quia A. de B. coram C. & C. clericis ad recogn̄ debitorum apud L. accipiē'd deputat': *vel ſic*, coram D. maiore: *vel ſic*: cor̄ I. nuper maiore ciuitatis noſtř Linc', & F. Clerico, vt tunc clerico ad recogn̄ debitoř apud L. accipiend' deput', recognouit ſe debere E. x. libras quas ei ſoluiſſe debuiſſet ad feſtum &c. ann̄ &c. & eas ei nondum ſoluit, vt dicitur, tibi p̄cipimus, qd' corp⁹ p̄dict' A. ſi laicus ſit, capias, & in p̄ſona p̄ra ſaluo cuſtodiř facias, donec eidem E. de p̄d' debito vel execut' teſtam̄nti p̄d' E. de p̄d' x. l. plene ſatisfecerit. Et qualiter hoc p̄ceptū noſtrum fuerit execut', nobis Scire facias in Octauis S. Hil. vbicūq; &c. p literas tuas ſigill' et habeas &c.

vſa man bet so mid in a ſtatut merchaunt to pay G mondy at certaine day. H day. if he faile. I fine for day. K ſtatut may be ſued. L contrā. M ye obl.

¶ Et cē bziefe poit eſtre fait returnable cibien en le comñ banke come en banke le roy. Et ſi home fait ſtat̄ merchant en C. r. payable a diuers iours, ſil faile de paiment a aſcun

can des dits iours, le ptp a q̄ le reconus. est fait suēt exe: cuē pur cest iour, et ne tairer de son exeē tanque touts les iours de paym̄t soyent passes, come il serra dun oblig.

¶ Si home est obl̄ de payer xx.li. a diuers iours, il naūa acē de Det sur cest obl̄ tāqz touts les iours de paim̄t soiēt passes. Mes si cesty que est obl̄ en statut̄ marchant ē vn clerke ou abbe &c. donqz le bzief de exeē est dauter forme, s. ¶ Rex &c. quia A. persona Ecclesiæ de B. coram &c. precipimus tibi quod præd' x. li. de bonis et catallis ipsius A. in ball' tua mobilibus sine dilatione leuari, & eund̄ E. habere fac'. Et qualiter hoc preceptum &c. Car clerke ne serra pzise per son cozps per ceo statute, Et si pzoces soyt agard de luy pzendē per cest statute, il aūa bzief al bir q̄ il ne luy greū ne molesteē, e sil ad luy pzis per cest, que il luy delitz, sil ne scauer cause pur que il ne deueē enioy le pziuiledge di clerk. Et en alē tiel bzief est vn pzouiso en le fine del bzief mis, *sic*: Prouiso quod præd' decem libr̄ de terr̄, bonis et catallis ipsius A. si non leuate fuer̄ iuxta form̄ statuti p̄d' leuentur, vt est iustum &c. Teste &c.

A

¶ Et si hōe soit oblige en statute m̄ch. en xx. li. et le stat̄ est certifie en chancery al suit le recognusee, e puis il deny, eze ses execuks poitnt auer espeē bzieue al maire, reherse le ctifiē fait deuāt eux, commaundt de ctifier cest atere en le chanē, et le bzieue est tyel. ¶ Mon strauer̄ nobis I. et W. execut̄ testam̄ I. de B. quod cum R. &c. *vt supra, vsq; ibi*, iuxta form̄ statuti pred' certificaretis: vos tñ pro eo quod per rotulos vestros inueniſtis quod cancell' nostra super eadem recognitiō alias esset certificat̄, quicquid inde facer̄ non curastis, ac pref. exec' coram nobis in cancell' nostra personalit̄ constituti asseruerunt, aliquam execuc' recogn̄ pred̄ in vita sua ipsius I. seu post mortē sua virtute certificac' inde in Canc' prius fact̄ nullatenus fact̄ fuisse, et nobis supplicauer̄, vt sibi in hac pte velim⁹ de remedio ꝓuidere. Et quia eisd̄ execut̄ quatenus juste poterim⁹ in hac pte velim⁹ subuenire, vobis mandam̄, qd' scrutat̄ rotul' vestr' hm̄di recogn̄ contingen̄, si inuenerit̄ recogn̄ illā in forma p̄dict̄ factam fuisse, & tm̄inos solutiō transactos esse, vt est dictum, tunc nos in cancell' nostra super recognitiō pred' distincte et aperte sub sigillis vestris pro recogn̄ debitorum ibidem deputat̄, prout moris est, certificetis non obstante Cancell' nostra prius inde extitit certificata. Teste &c.

B

¶ Mes cest bzieue nē graunt sinon sur Affidauit e sere: ment

C

ment fait en le chancery per les executors, ou cesty q̄ voit auer ceſt execution &c.

67 ¶Breue de execution ſur ſtatute de ſtaple.

ET ſi home deuant le maire del eſtaple ſoit oblige ē cert̄ ſumme &c. de pater a cert̄ iour &c. accord̄ al eſtat̄ de ceo fait, & il ne pay &c. dōq̄ cesty a q̄ lobl' ē fait, vener̄ al maire, & luy mōre leſtat̄, & luy pzier ď certifier en Chancery ſouth le ſeale a ē deputē, come il fra ſur ſtat̄ marchāt, ou l' maire pote ag. execut̄, ſi le party ſoit demurē deins ſon iuriſdict̄, ou ad ē eſ ou bñs deins ſon iuriſdict̄, &c. Et ſi le maire ne voille certifier &c. al pzier del pty, dōq̄ il añ̄a bziefe hozs del chanc̄ al maire de certifier &c. cōe il añ̄a ſur ſtat̄ marchant mōre en Chancery &c. Et ſur ē Al' & Plur̄ & Attachm̄t ōs le maire ſi beſoign̄ ſoit, et quaunt le maire ad certifie le ſtat ſouth le ſeale a ceo appoint, donq̄ iſſera le bziet̄ dexet̄ vers le party de luy pzend̄ et dextend̄ ſes īres &c. Et ceſt bziefe ſerra touts dits retozname en l' chancery, & nemy en bank le roy, nen common bank, come le bziefe que iſſera de faire exet̄ ſur ſtatute marchant, et le fozme del bziefe eſt tiel.

¶Rex vic' Lin̄ ſalut̄: Quia R. de W. xx. die Septembr̄, & ann̄ &c. coram E. de B. maiore ſtapul' noſtr' de B. ad recogn̄ debitor̄ in eadem Stapula accipiend̄ deputat̄, recognouit ſe debere W. de F. octo libr̄ &c. quas ei ſoluiſſe debuit in Feſto &c. tunc &c. Et quas ei nondum ſoluit, vt dic', Tibi p̄cipimus, quod corpus p̄d̄ R. ſi laicus ſit capi, & in priſona noſtra donec eidem W. de p̄d̄ debito plene ſatisfecerit ſaluo cuſtodiat̄, & omnia terras et catall' ip̄ius R. in balliua tua p̄ ſacrament̄ proborum et legalium hoīum de balliua p̄d', per quos rei veritas melius ſciri poterit juxta verum valorem eorund̄ diligent̄ extendi & appreciar̄, et in manū nr̄am ſeiſiri fac', et ea p̄ſ. W. quouſq; ſibi de debit̄ p̄d̄ ſatisfact̄ fuer̄, liber̄ fac' iuxt̄ form̄ ordination̄ inde fact̄. Et qualit̄ hoc precept̄ nr̄m fueris execut̄ ſcire fac' nobis in cancell' noſtr̄ in craſtin̄ animarum proxim̄ futuro vbicunque tunc fuerit per literas tuas ſigillatas, et habeas ibi hoc breue &c.

¶ Et p ceſt bre appiert, q̄ le vicont pzend̄ le conuſoz, et extend̄ a pzier ſes terres, biens, & chateux, et ceo extent et priſement retozne en Chancery &c. Et ſur ceo le reconiſce ſuer̄ vn bziefe al Vicont hozs de chauncere a deliuer a luy ceux terres et biens al value de dette &c. le quel bziefe eſt

appell

appell' vn Liberate, & le brefe est tiel.

¶ Rex Vic' &c. Cum R. de W. xx. die, *vsq; ibi*, per lras tuas sigillatas, *& tunc sic*: Ac tu nobis returnasti, quod prædict' R. non fuit inuentus in balliua tua, postquã breue nr̃m tibi liberat' fuit, sed quod cepisti in manũ nr̃m oĩa terras & tenta & catalla ipsius R. in dicta ball' tua, & ea extendi & appciari feciſti iuxta tenorẽ breuis nostri prædict', viz. duas ptes vni' mesuagij, quæ appreciant ad quinq; libras, Tibi pcipim⁹, qd' eidẽ A. oĩa tras & tenta, & catall' pd' per te in manũ nostrã sic capta, si ea per extẽt & apprec' pdict' habere voluerint, liberes, habend' iuxta form̃ ordinationes pd', quousq; sibi de debito pdict' fuer̃ satisfact'. Et qualiter hoc pceptum nr̃m fueris execut', scire fac' in cancell' nr̃a in quindẽ Paschæ px. futur̃ vbicunq; tunc fuerit per literas &c. Et habeas &c.

A ¶ Et si hõe soit oblige deuant aut Maire de Staple, ou en stat merchant deuont aut Maire &c. & nad terres sinon en Durham, ou aut countie Palantine, donqs sur cest certifiẽ fait en le chanc̃ del stat p le Maire &c. sur le ret del bre, q̃ il nad terres, tents, &c. deins lon bail' &c. donqs le pty pout surmise, q̃ il nad riens sinon en le com̃ Palantie &c. & pter q̃ le tenour de record soit maund la de faire execuciõ, et sur ceo surmise il auera tiel brefe.

68 ¶ Briefe de faire execution en Countie Palantine.

REx venerabili in xp̃o patri I. eadem gr̃a Dunelm̃ Ep̃o, vel eius canc' in Episcopatu pdict' salut̃ &c. Tenore cuisdam statuti de stapula tacti coram W. de W. nuper Maiore stapul' Westm̃, ad recognitiones debitorũ in eadẽ stapula accipiẽd' deputat' de xl.li. T. de W. iam defunct' vt dicit', & E. de R. ciui Lond', per Agnetem quæ fuit vxor H. de R. de Episcopat' Dunelm̃ nuper recoginitis, & per N.B. nunc Maior dict' stapulæ in canc' nostra missi: vobis mittim⁹ præsentibus inter clusum, vt inspecto tenore pdict' vlterius ad prosecutionem Katherinæ quæ fuit vxor prætat' T.I.F & R. de L. executor̃ testamti pd' T. executionẽ recognitionis pd' fieri fac', put de iure & secund' legẽ & consuetud' regni Angl' fuerit faciend'. Test' &c.

B ¶ Et si le stat ne soit sufficientm̃t certifie en le chanc̃ p le Maire &c. pur ĩ que il ad omitte ascũ parcel de obt, cõe noisme, ou surnoisme, ou aut matter q̃ est effect', donque sur

Affidauit fait, q̄ il nad eẽ execuc̄ per reason de ceo certifie, il auera nouel bꝛe al Maire & Clerke &c. de certifier le stat̄ pleinment arere en le Chanc̄, nient obstant son certificat fait auant. Et cest bꝛiefe appiert en le Register.

¶ Et si le Maire fait certificat dl stat̄ al Chanc̄, & delin ceo al pty q̄ est reconisee, & l'pty retient ẽ certifie, & ne mist ceo al chancery, & puis auẽ Chancell' est fait, oze le pty conuiet aũ nouel certificat a cest Chãcell', auẽnt il naũa execuc̄ del statute sur ceo certifie fait al aũcient Chanceller, q̄ ne fuit delĩ en chanc̄ en tẽps, & donqz il couiet suer bꝛe en chanc̄ direct al Maire de fait̄ nouel certificat, & le bꝛ serra tiel. ¶ Rex &c. Maiori Stapulę Westmoñ ad recognitiones debitorum in eadẽ stapula accipiend̄ deput̄, salut̄. Ex pte D. &c nobis est ostens. qd̄ cum W. de E. & &c. añ regni nr̄i tertio coram vobis in stapula pred̄ recogn̄ se debere pref. A. xl. li. iuxta formã statuti stapulæ p̄d̄ cert̄ termiñ soluend̄, & licet vos termino solution̄ p̄d̄ elapso R. Ebo London̄ nup̧ Cancellar̄ nr̄o dñ in officio Canc' stetit, sub sigillo officij vestri, put moris est, certificaũitis, quia tñ p̄d' D. dictam certificat̄ penes se hucusq; retinuit, et pref. R. nup̧ Canc' cui prius nominatim inde certificastis, ab officio suo Canc' à diu est et extitit onerat̄: Volumus, et vobis mandamus, qd̄ dicta certific' præf. nup̧ Canc' p vos sic fact̄, sanè et integr' vobis restit', & scrutatis rotulis de hm̃di recognitione coram vobis ann. præd' factis, si inueneritis recognition̄ p̄dict̄ factam fuisse, tunc Canc' nostro moderno in cadẽ canc' sup̧ recogn̄ p̄dict̄ distinct' et apert' iuxta form̃ stat̄ p̄dict̄, sub sigillo p̧ recognitionibus stapulæ pred̄ deputato certificet̄ indilatè, vt vlterius sup hoc fieri faciamus, qd̄ secdm formã statuti pred' fuer̄ faciend̄, dicta certific' prius sic facta non obstante. Teste &c.

¶ Mes Nota, si ẽ le pꝛim̃ certifie il naũa expꝛes le ꝑper nom̃ del Chanceler, q̄ donqz il poit aũ delĩ cel certificat al nouel Chanceler, & serue bñ dauer execution sur ceo, et pur ceo est bon de faire certifie generalm̃t al Chanceler &c. sans nosme son pꝛoper nosme.

69 ¶ Recognisance en Countie deuant le Vicont.

SI home conust deuant le Mir̃ en le court del com̃a paier a vn auter person certeine summe de Argent al certeine tour, si ne pay ceo al tour, donqz le recognisee auera bꝛiefe hoꝛs del Chanc̄ al Mir̃, iuy commaund̄ de faire execution sur

sur cest recognul. Et le brieue serra tiel.

¶ Rex vic' &c. Monstrauit nobis A. quod cum ipse implacitasset in com̃ tuo p̃ br̃e nr̃m B. & idem B. in pleno com̃ illo recognouit se debere præf. A. certam pecuniã ad certũ terminũ reddend', tu tamen termino illo elapso eandẽ pecuniã eidem A. nondum solutã ad q̃remoniam suam sc̃d̃m recognitionem suam habere non feciſti, in ipsius A. damnum non modicum et grauamen. Et quia eid' A. ꝓut iustũ fuerit subuenire volent in hac parte. Tibi p̃cipimus, qd' si ita est, tunc pecuniam illam de bonis & catallis ipsius B. in balliua tua leuari, et illa pref. A. sine dilatione habere fac', ne clamor ad nos inde perueniat iteratus, Teste &c.

¶ Mes sẽble q̃ recognisans serra fait quãt plee est penũ en le com̃ per br̃e le Roy deuãt le Viẽ entr̃ les ꝑties de det &c. mes si nest ascun tiel plee penũ en le com̃ p̃ br̃e, mes per pl', Quære si cest recognisans serra fait. Et sẽble reasonable, q̃ il poet estre ꝑis sibñ quant le plee de det est penũ en le com̃ deuant le viẽ p̃ pl', come il fuit per brieue le roy.

¶ Mes si home voile vener en le com̃ deuant le Viẽ, & la en la court connust de pater cert̃ summe dargent a vn auter person a cert̃ iour &c. lou nest ascun pleint ne action pendãt la enter les ꝑties, si cẽ recognis. serra bon ou nient, Quære. Semble en reason q̃ sil soit south le summe de xl. s. q̃ tyel recognisans serra bon, & liera le ꝑtie. Et si le partie ad br̃e le roy direct al Viẽ de faire execution de tiel Recognisans (come auaunt est dit) & le viẽ ne voile ceo faire, donqꝫ le recognisee poit suer Alias, & Plur̃, & Attachm̃t vers le viẽ &c. Et le forme del brieue serra tiel.

¶ Rex &c. Ex ꝑte A. accepimus, qd' cum nup tibi ꝓceperimus, qd' si B. recognoſceret ſe debere A. tantum, tunc ipſum B. diſtringeres ad p̃d' debit' eidẽ A. ſine dilatione reddend', ac licet idẽ B. coram te recognouerit ſe debere p̃f. B. p̃d' debit', tñ ipſum B. ad debitũ illud reddend' diſtringer' hactenus diſtuliſti, & adhuc differs, in ipſius A. damnũ non modicum et grauamen: Et ideo tibi præcipim⁹, qd' ſi ita eſt, tunc executiõ recognitionis ſine dilatione fieri fac' iuxta tenorem mandati noſtri p̃d', et hoc nullo modo omittas. Teſte &c.

¶ Mes il sẽble q̃ per cest br̃, q̃ si le recomisor ne voit reconuster le det arere deuant le viẽ, quaunt il vient a luy de faire execut̃ &c. mes dire q̃ il ad ceo pay &c. q̃ adonqꝫ le viẽ ne poit faire execution de ceo. Et est auk̃ br̃e en tiel forme.

¶ Rex Vic' &c. Præciꝑ tibi, quod si A. recognouit ſe debere B. cen-

B. centum solid', tunc ipsum A. distr' ad p̄d' debitū eidem B. redd'. Et il pott aū Alias, & Plur', & Attachm̄t sur ceo &c. Et si le viē retorn̄ sur le Alias, qd' distrinxit p̄tem p̄ frumentū vel p̄ alia catall', ad qd̄ non inuenit emptores, dōq; p̄ tute en le Regist, serra agard de p̄e de Pluries reiterando ret', & illud insuffic' reputand̄ &c. Mes Quære tñ de t̄, car semble bon ret. Et Quære si le viē pott vendē les bñs pur paier le recognis car sēble p̄ le Regist. q̄ il pott vēdē les bñs le pty.

C ¶ Et si hōe soit en execuē sur stat̄ marchāt, il deuē estre troue en p̄ison des rents et reuenues beignants de les terres, q̄ sont en execuē &c. cestassauoir, pane & eawe, come appiert p̄ le stat̄, et sil nad ceo, il pott suer brē sur le statute direct al Maire & Viē, ou il est en execution, que il auera sustenance que le statute luy done, & le briefe est tiel.

¶ Rex Maiori et Vic' Lond̄ saluē. Cum in statuto de Mercatorib⁹ ædito contineat̄, qd̄ mercatores p̄ quorum debitis contigerit debitores suos per formā stat̄ p̄d̄ arrestari et imprisonari, inuenire teneantur debitorib⁹ illis in prisona cōmorant̄ panē et aquā ad sustentationē suā: vobis p̄cipimus, quod W. de S. p̄ debit̄ E. de K. p̄ formā statuti nr̄i p̄dict̄, vt dicitur arrestat̄, et in prisona nr̄a detento, si ea occasione et non alia detineatur in eadē, fieri fac' in hoc casu, q̄d fuerit faciend̄. Et in casu consimili fieri consueuit, iuxta form̄ Stat̄ pred', T. &c Et sur ē il pott aū Al', & Plur', & Attachm̄t.

70 ¶ Breue de Perambulatione facienda.

D BReue de Perambulatione facienda coutient estre sue p̄ assent de ambiē p̄ties, lou ils sont en doubt des bounds de lour sñiories, ou de lour villes: donq; ils p̄ assent poient suer cē brē, direct al viē de faire le p̄ambulation, & de mitter les bounds & limits en certein penter eux, & le brē est tiel.

E ¶ Rex Vic' &c. Præcipimus tibi, qd' assumpt̄ tecum xij. discretis et legal' Milit̄ in com̄ tuo, in propria p̄sona tua accedas ad terrā A. de B. in N. et terram C. de D. in F. et per eorū sacramēt̄ū fieri fac' p̄ambulac' inter terram ipsius A. in N. & terram ipsius C. de D. in E. ita qd' p̄ambulac' illa fiat p̄ certas metas et diuisas: quia præd' A. et C. posuerunt se coram nobis in p̄ambulationē illam, & scire fac' Iustic' nostris apud W. &c. tali die, vel Iustic' ad primam assis. &c. sub sigillo suo & sigillis quatuor legal' Milit̄ ex illis quæ p̄ambulac. illi interfuer̄, per quas metas & diuisas p̄ambulatio illa facta fuerit, et habeas ibi nōia Militum, et hoc breue.

¶ Et

¶ Et le roy poit faire son cõmission direct as auterz persons de faire ceſt p ambulaẽ, sibñ coñ al viẽ, & de certifier ceo en cõmõ bank, ou en le chancerie, ou alors &c. Et tyel cõmission est fayt souent foits pur faire perambulation et diuision de iij. ou iiij. counties, lou ils sont en doubt des metes & boundes de pceux, et ceſt pambulaẽ fait per assent des parties lieẽ eux ambideux & lour heires.

¶ Mes si tenãt a terme de vie dun ſñiorie, & auẽ q̃ ẽ ke fee ũmple dauñ ſñiorie adioynãt sue tiel bẽe ou cõmission, p q̃ ambulaẽ est fait: ore il sẽble q̃ ceo ne lieẽ cẽy en reũ, ne pambulaẽ fait p assent de tenãt en taile ne lieẽ son hẽe.

¶ Et le pambulaẽ poit estre fait pur diuers villes, et en diuers counties, & les ꝑties couiẽt venir en ꝓper person en le Chancery, & la conuster & graunter que perambulation serra fait enter eux, & ceſt conisance serra enrolle en le Chancerie, & sur ceo le Commission ou briefe issera &c. Et si les ꝑties ne poyent veñ en chancerie de conuster et graunt de auer tiel perambulation, donqz ils couient suer vn briefe de Dedimus potestatem direct a certeñ persons de prender lour conisance &c. et de certifier ceſt en le Chanc̃ south son seale &c. et donqz sur ceſt certifiẽ retorñ en chancery ceſt commiſſ. ou bẽe puit estre graunt, coñt q̃ les parties ne appeẽ en ꝑper ꝑson en le Chãcery de prier cel.

71 ¶ Breue de Warrantia chartæ.

BReue de Warrantia chartæ gist ꝑ ptñt lou hõe enfeffe auẽ per fait, et oblige luy et les heires a garẽ &c. ore si le feffee soit impleẽ en Assise, ou en bẽ dẽtre en natũ Dasl. en q̃r acẽ il ne puit vouch, &c. dõqz il aũa ceſt br' vs le feffor ou son heire, que fist tiel garrantie &c. Et le briefe est tiel.

¶ Rex &c. Precip̃ A. qđ iuste &c. warrãtizet B. vnũ meſuag. cũ ptiñ in D. qđ tenet, & de eo tenere clam̃, et vnde chartã suam habet vt dicit &c. et nisi &c. *Vel sic:* Maneriũ de N. cum pertiñ, et aduocac' eccleſiæ eiusdem ville q̃ tenet &c. *vsq; ibi* vnde chartam suam habet, vel chartam D. patris vel matris, vel alteri⁹ anteceſſoris, cui⁹ heres ipſe est vt dicit, et nisi &c.

¶ Et coñt q̃ le bẽe Supp̃ q̃ il tient del def. vncoẽ, & nest material, sil tient de luy ou nient.

¶ Et auxy si le pl' tient per homage auncestrel de defendũ aſcun terre, et est implede, et nad aſcun charter de ceo, vncore il auera ceſt briefe de Warrantia chartę vers le def.

& le

& le bře Dirra, Vnde chartam habet, &c. & vncore il nad chře a monstre, mes soleūt tenerē per homage auncestrel, le quel implie vn garrantie, et pur ceo en ceſt case ceux paroix, Vnde chartam habet &c. nest material.

G ¶ Et si hōe lesse ře a terme de vie rendāt cerť rent, ou fait done en taile rēdāt rent sans fait, & puis le lessee ou le donee est en pleð en tiel acř, iou il ne puit vouch dongz il aūa cē bř de Warř charť ðs le lessoz ou donoz, ou son heire, q̄ ad t̄ reuerť, car cē reuerť & rēt relerue fait vn garť ē luy p̄ lestat de Bigamis ca. vlť, coūt q̄ il nad alř fait de ceo.

H ¶ Et si hōe done terre a vn en fee p̄ fait, per ceux paroix, Dedi, Conceſſi, &c. ore il serra tenus a garē ceſt ře al feoffee per ceux paroix, & si le feffee sopt implež, il auera bzief de Warrantia charť ðs le feoffoz, per ceux paroix Dedi, Conceſſi, &c. mes nemy vers son heire, car heire ne serra lye al garrantie per le fait le pere, sinon q̄ il oblige luy & ses hēs a garē &c. per expzesse paroix en le fait, come adire, Ego et hęred̄ mei oia p̄dicť terras &c. warrantizabimus &c.

I ¶ Mes Nota, que il nauera action de Warř charť verz le feoffoz, ou vers ceſty vers que il ad garē, si il soit implede en ascun action, en que il puit vouch luy, car donque il dopt luy vouch a garē, & si il ne voile luy voucher en laction, il nauera bziefe de Warrantia charť apzes.

K ¶ Et hōe puit suer cē bř de Warř charť auant que il soit emplež ou sue en ascū acř, mes vncore le bře supposeť q̄ il est implež. Et si le def. vient & dit, q̄ il nest implede: ore p ceſt plee il confesse le garrantie, & le pl̄ aūa iudgemt de recouer son garrantie, issint que si le def. soit implede apzes, & vouch luy a garē, & il enter en le garrātie, & plež & perde, p q̄ le def. recouce en value, ore le def. aūa en value des terres le vouch. que il auera al temps que il purch. son bře de Warř charť vers luy, & pur ceo il est policie de pozter son bře de Warrantia charť verz ceſty, auant q̄ il sopt sue, a lier les tres le vouch q̄ il auera a ceſt tēps: ¶ Car si home sopt vouche, il ne renð en value forſoz des tres q̄ il aūa al tēps de voucher &c. Et sil auer̄ alien la terre auaunt le vouch. il renð riens en value, et pur ceo est policie de pozter son bře de Warř charť vers luy, quant il ad ře de render en value. Et per ceſt bře & iudgemt done sur ceſt, terre serra lye &c. Mes vnť si home recoūa p bře de Warrantia chartæ son garē, & ad lie la terre q̄ le vouchee ad a ceſt temps: vncore sil soit implede apzes pur tel terre, pur quel il recouer son

gar-

garrantie, il conient voucher cēy vers q̄ il recoū ſon garranty, a defendō la tre, ſil ſoit ſue en acē en q̄l il puit vouch, autermt il nauer a aduātage per reē de ſon garrantie en le Warrantia chartæ.

¶ Et ſi home recouer ſon garrantie en Warr̄ chartæ, et puis il neſt impleō en action, en q̄l il ne poit vouch, come p aſſiſe, ou p Scire fac' ſue ſur fine &c. oze il ſemble que il doit doner notice a ceſty vers que il ad recouer ſon garrantie ō cel action, & ō pzier luy de monſtrer q̄l plee il pleō, pur defē-der la tre &c. Tamen quære de ceo. A

¶ Et ſi home eſchange tre oue aut̄ p fait, ſil ſoit impleō, il poit vouch cēy oue q̄ il eſchange la terre p reaſon de ceo eſchange, & auxy il aūa bziefe de Garr̄ des chr̄es per ceſt fait deſchange, comt q̄ il nad poiz del garranty ē le fait. Et le vouch, aūa bziefe de Garr̄ des chr̄es, Tamen quære. B

¶ Et ſi home ſoit ē pleō q̄ neſt t̄ del tr̄, mez pnoz des p-ſits, il nūa bziefe de Garr̄ des chr̄es, p t̄ que il puit riens perō &c. C

¶ Et home aūa bziefe de Garr̄ des chr̄es, comt que il puit vouch en lacē q̄ ē poiz ōs luy, & ſil recoū en le Garr̄ des charr̄s, & perō apzes en lacē poiz ōs luy, en que il auera vouch ceſty ōs q̄ il rcē ſ̄ garrant̄, doncz il aūa bziefe q̄ ē-appel Habere facias ad valentiam &c. maint̄ deins lan apzes le recouerie, & ne ſuera Scire fac'. Et aſſign̄ aūa bziefe de garrantia des chr̄es. D

¶ Et hōe aūa bziefe de Garr̄ des chres del terre lou rent eſt dō ōs luy hozs del tre &c. mes la il doit vouch. del terre diſcharge del rent &c. ſil puit vouch en acē. E

¶ Et hōe puit poiz̄ lon bē de Garr̄ des chr̄es en q̄l coūtie que il boile, ſi le fait ne poiz date a certaine lieu ou coūn, car doncz il couiēt poiz̄ le bziefe ou le fait poiz date. Mes ſi hōe poiz̄ bē de Garr̄ des chr̄es p reaſō de homage anē &c. doncz il couiēt poiz̄ le bē en le coūn ou la tre ē &c. F

¶ Et ſi home enfeffe aut̄ de terre oue garē de fait, ſi le feoffee fait feffemt ouſter et repziſt eſtate en fee arere: oze le garrantie eſt determine, & il nauera bziefe de Garr̄ des charters, pur ceo que el eſt eins de auter eſtate. ¶ Et iſſit ſi A. diſſ B. et enfeffe vn C. oue garē, que enfeffe D. oue garē, ſur q̄ eſtrange enter, en q̄ poſſ. B. le diſſeiſee releaſ. ſon dzoit: oze tous les garē auant ſoient extinct. Et ſi D. reenter & eſt impleō, il naūa bziefe de Garrantie des charr̄, pur ceo que il eſt eins dauē eſtate & per tozt. Mes ſi home ſoit impleō, per q̄ il pchaſe bziefe de Garrantie des charters G

vers

vers ceſty vs q̄ il ad garr̄, & luy vouch. aury en lacr̄, et puis pend̄ le bzief vn eſtrange q̄ ad plus eigne title enr̄ luy: vnr̄ r̄ ne abat̄ ceſt bziefe de Garr̄ des chr̄es ſue auant. Quod vide H.21.H.6.

H ¶ Si hõe ſoit impled̄ en aſſ.&c. il poꝛt bzieſe de garr̄ des charꝛs, & count q̄ il eſt impled̄ p Aſſ.&c. & q̄ il perd̄ &c. oꝛe ſi le pl̄ recouer ſon garrant̄ &c. il recouera ſes dam̄s, & aury dauer en value del fre perd̄.

I ¶ Et home puit ſuer diūs bziefs de garrant̄ des chr̄es vers diuers homes, ſil ad diuers garr̄ vs eux, & il recouer̄ ſeueralment vs eux.

K ¶ Home ſuera bzief de garrant̄ de chr̄es al common ley p garr̄ fait des fres en aunr̄ demeſne.

L ¶ Et ſi home a garr̄ des chr̄es pend̄, com̄t q̄ le pl̄ que ad lacr̄ vs luy q̄ poꝛt le bzief de garrant̄ des charꝛs ſoit nonſue r̄ s̄ acr̄, r̄ ne abaka le bzieſe de garrant̄ des charꝛs, car il puit ſuer cr̄ bzieſe de garrant̄ des charꝛs, com̄t q̄ il nad acr̄ ſue vs luy del fre &c.

72 Breue de Meſne.

M ¶ BRiefe de Meſne giſt, lou ſont Sr̄, meſne et tenant, et cheſr̄ tient de aut̄ p oweltie des ſeruices, come per homage, fealtie & xx.s. de rent annualm̄t, oꝛe ſi le fr̄ paualt ſoit diſtr̄ p le rēt ou ſeruice arr̄ de meſn̄, & p le ſn̄r pamont, il a-ñ a bzieſe de Meſn̄, vs s̄ ſn̄r q̄ r̄ meſn̄, & p r̄ bzieſe il recoña les dam̄ ſil ſoit diſtr̄, & aukm̄t mēt, & p cr̄ bzief il luy cōpelt d faire les ſeruic̄, & patera les rents. Et cr̄ bzieſe poit eſtre ſue en le com̄ deuāt le vic̄, & donqꝛ le bzieſe eſt tiel.

¶ Rex vic' &c. ꝓcipimus tibi, quod iuſticies A. qđ iuſte &c. acquietet B. de ſeruicio, quod C. ab eo exigit de libero teñto ſuo qđ de p̄f. A. tenet in I. & vnde quærit, qđ p defectu ei⁹ diſtrin. ſicut rationabil' monſtrare poterit, quod eum acquietar̄ debeat, ne amplius &c.

¶ Et ſil ſoit ſue en common bank, le bzieſe eſt ¶ Rex vic' &c. Præc' A. quod iuſte &c. acquietet B. de ſeruic' quod nos ab eo exigimus de libero teñto &c. vnde idem A. qui medius eſt inter nos & p̄f. B. eum acquietare debet, & vnde queꝛitur, quod pro defectu eius diſtringit̄, & niſi &c.

¶ Mes ceſt bzieſe eſt lou le roy diſt̄ pnr ſeruices &c.

¶ Et ſi aut̄ plon ſoit ſn̄r pamot, donqꝛ le bzieſe eſt, Qđ acquietet B. &c. qđ C. de eo exigit de libero teñto &c. vnde idem A. qui medius eſt inter C. & præf. B. eum acquietare debet

debet &c. ¶ Et le briefe de Meſne poit eſtre remoue hors di A
com al ſuit le pl̃ p Pone ſans cauſe, & al ſuit le def. oue cauſe
come en repl̃. ¶ Et home puit añ acquital, & ſuer briefe de
Meſne ſur t̃ p diũs bones. Un, ſi le Meſn̄ grant a ſon t̃ per
ſon fait ſur le tenoz fait de luy acq̃r vs ſon ſñr pamont, il
añ briefe de Meſn̄ ſur ceſt grant. Auter cauſe dacq̃rer eſt, B
lou il tient en franc̃ alm̃, & auk cãe ẽ, lou il tient en frank-
mariage, ou lou il tient p autiel ſeruice, cõe le Meſne tient
oulk, t̃ eſt appel owelte. ¶ Et auxy hõe poit añ acq̃rer p C
plenipẽ, ſicome il tient p homage aunc̃ &c.

¶ Et auxy p conuſ en court de recoz̃d de luy acquiter &c. D
Et ceux de Cornewall claim̃ a pleõ plee de Meſn̄ ẽ le com̃
la ſans briefe. & q̃ ils ont eſwe allowance de t̃ en eſte, & com̃
que le briefe de Meſne ſoit pend̃ enk le Meſn̄ & le tenãt pa-
rauaile, vnc̃ le ſñr paramont diſtr̃ pur ſes rents & ſeruices le
t parauaile, & ne tarier tanqz le briefe de Meſne ſoit diſcuſſe
mk eux, q̃ ſi il deuer̃ acquik le t ou nient.

¶ Et ſi hõe poz̃t briefe ũ Meſn̄, lou il neſt diſtr̃, vncoz̃e le
briefe eſt maink; mes il ne recouera dam̃ donqz, car le briefe ẽ
poz̃t ſolem̃t de receũ le acquital &c. Come ſil poz̃t briefe de
Garr̃ des chres, lou il neſt implee &c. il eſt a recoñ le garr̃ p
loco & tempore.

¶ Et ſi le t tient p les ſeruices q̃ le Meſne tient ouſter, F
& auxy per pluſoz̃s auks, t̃ eſt bon owelte dañ acq̃tal, p t̃
q̃ eſt tiel et plus, & com̃ q̃ le ſñr deuie pendãt le briefe le
Meſne, vnc̃ le briefe de Meſne ne abatra.

¶ Et t a tẽme de vie lou le rem̃ eſt oulk en lee, añ briefe de G
Meſne, vs le meſne, mes t a tẽme de vie nañ briefe de Meſn̄,
vs cẽy en reuerc̃: Mes t en dower añ briefe de Meſn̄ vs
cẽy en reũc̃, p ceo q̃ el ad ſa eſtate p la ley.

¶ Et le meſne ad pay les ſeruices al ſñr pamont, vnc̃ ſi H
le t ſoit diſtr̃ apz̃es pur ceux ſeruices, il añ briefe de Meſn̄
vers le meſne pur ceo, mes ſil recouer dam̃ en ceſt briefe eſt
queſtion. Mes ſemble q̃ el auera damages, pur ceo que le
meſne recouera damages vers le ſeignioz, ſil voile mitter
les beaſtes en le pound pur le tenant, & ſuera Repl̃ &c. et
vnc̃ nient diſtr̃ en ſon def. eſt bon plee en briefe de Meſne.
Et ſil ad pay les ſeruices, il neſt diſtr̃ en ſon default, car
ſi le meſne grãt al t de luy acq̃ter aps le tenure fait, il añ
briefe de Meſne ſur t̃, come ſemble a moy.

¶ Et le baron & fẽe auera briefe de Meſne pur terres la I
me lou ils ſon diſtr̃ &c.

¶ Si

K ¶ Si le Meſne grant le meſnaltie a terme de vie, & le t attorna &c. ore le t naña brief de Meſne vers ceſty grant a t me de vie. Mes t en taile aña brief de Meſne. Et ant demeſne eſt bon plee en brief de Meſne.

L ¶ Et brief de Meſne giſt vers t a t me de vie, ou le rem eſt oult en fee. Et bre de meſn fra maint vs iheice t meſn, lou ſon aunc aña graunt les ſeruic le t p fine, ſi le t nad attorn accord al fine, car il ne ſerra compel dattorner ſans graunt acqtel a luy. ¶ Et ſil grant acqtel &c. il aña brief de Meſne ſur t grant, & vnc ceſt commenc aps le tenour.

W ¶ Si le t ſoit diſtrein pur reliefe le meſne, ou pur reaſonable aide &c. il aña briefe de Meſne vers luy.

M ¶ Du home eſt t per le curteſie del meſnalty &c. ſi le t ſoit diſtr, le brief de Meſne ſerra ſue vers ceſty en reuerc, et nemy vers t p le curteſie, Qd vide Hill. 4. E. 2.

D ¶ Seignior grant al barō & feme, & as heires le baron, & en Per q ſeruicia ſue p eux, le t ne voile attorn, ſinon q ils voile grant de luy acquit &c. p que le baron granta, q il & ſes heires acqt le t & ſes heires, & puis le baron deuie, & le t port briefe de Meſne vs iheire le baron durant le vie la feme q fuit t a terme de vie, qd nota Hill'. 5. E. 3.

P ¶ Et en temps Ed. le i. le t port brief de Meſne, p ceo q il ne luy acqt dun rent charge dō &c. p c que il p ſon tant luy oblige de garc & acqter. & fuit maint.

N ¶ Un Abbe ſue brief de Meſne p reaſon dun confirmat fait a luy en frankalmoigne, & fait maint H 5. E. 2.

R ¶ Si hōe ad iudgemt de recou ſ acqtal en brief de Meſn, ſil ne ſoit acqt aps, il aña ſur ce recoūp brief de Diſtringas ad acquietād vs le Meſne, ſil ſoit iij. ou x. ans aps le iudgemt done, & c eſt done p leſtat de W. 2. c. 9.

S ¶ Et ſi le Meſne conuſt acqtal p fine, & puis il ſue ſcire fac' ſur ceo, & il ne vient al bc retorn &c. donqz iſſera bre de Diſtring. ad acquietād &c. & Al' & Plur &c. tanqz il deigne, & ſil veint ſur le diſtring. ad acquietād, & il ne aſcaū ries dc &c. mes il doit acqter, &c. donqz le pl rec ſes dam vs luy.

T ¶ Et ſi le aunc conuſt acquital en court de record, le t aña Scire fac' vers le heire de meſn iaunc de luy acqt ſans ant eſpecialty &c.

U ¶ Et ſi hōe recou acqtal en brief de Meſne &c. ore ſur ceo il aña aps briefe de Diſtring. ad acquietand &c. Et ſil ne vient &c. il ſerra foriudge p ſon default del meſnalty, & iſſint ſil vient & ſoit troue vers luy p vdict, il ſerra foriudge &c.

¶ Et

¶ Et hõe aũa bꝛief de meſñ ꝓ luy acquiť de ſuit al hundꝛ que le m̃ doit faire per reaſon del uicinaltie, & nemy p reaſon de reſiancy &c. Et le ꝓces en bꝛiefe de Meſñ eſt ſom̃,attachm̃t,& diſtr̃,& ſi le defendant nad riens en le com̃, p que il poet eſtre diſtraine &c. donqꝛ le pl̃ poit ſurmitť, q̃ il ad aſſets en ſuť com̃,& p̃ diſtr̃ illonqꝛ,& il aũa r̃ p leſtať,& ſur r̃ il fra foꝛiudge &c. ſil ne vi℮t, & le bꝛiefe ſoit ſeruie & retoꝛne vers luy: mes ceo eſt done per leſtať,car al comen ley,il naũa q̃ diſtr̃ infinitť en m̃ le com̃,ou le bꝛiefe ſuit poꝛt, & ceſt en le com̃ ou le tre ẽ,& il poit eſlier a cẽ tour, le quel il voit ſuer l' ꝓces per le common ley,s. diſtraine infinit en m̃ le com̃ ou le ꝓces q̃ eſt don̄ per leſtať,s.ſom̃ attach.& grand̄ diſtť, que aucra tour de r̃ per tiel temps que ij. counties poient eſtre tenus,en queux le vi℮ ſerra proclamation, que il venera a reſpond̄ al pl̃ &c. Et ſil ne vient,& le bꝛiefe retoꝛn̄ &c. donqꝛ il ſerra foꝛiudge.

73 ¶ Breue de plegijs acquietandis.

BReue de plegijs acquietand' giſt ou hõe deuient plege ou ſuertie pur vn auť de paier certaine ſum̃ dargent a certain tour &c.ſi le pty m̃ ne ceo pay al tour &c. oꝛe ſi ceſty que deuient plege eſt compellť de paier le money &c.il auera ceſt bꝛief vs luy q̃ deuer̃ auer ceo pay &c. Mes ad eſtre queſtiõ ſi ceſt bꝛiefe giſ. ſans monſtť eſpecialtie de ceo, & ſemble en reaſon q̃ cẽ bꝛiefe ſerra mainť, com̃t q̃ il nad eſpecialtie de puer r̃ : car le bẽ cõe ſẽble,eſt done p le ſtať de Magna Carť ca.8. que don, Qđ ſi plegij voluerint,habeãt tras & tenemẽta debitoris quouſque ſit eis ſatisfacť de debito, qd' antea p eo ſoluerint. Et la ne ple daſť eſcript fait enter eux. Et ſil aũ eſcript,donqꝛ il poit auer remedie ſur ceſt eſcript per la comen ley,ou p bꝛief de couenant ou det: & donqꝛ ne beſoign̄ daũ fait cẽ ſtať. Et Pa.43.E.3.f.10. ẽ adiudge,q̃ le bꝛiefe de pleg. acquietť giſt ſans aſſ̃ eſpecialty de ceo monſtť &c. Et eẽ ſẽble bone reaſõ, p r̃ que le ſtať fait t' lien en ceſt caſe, & r̃ appiert p le Regiſter,pur r̃ que bꝛiefes ſont dones la par les exer̃ cẽp que deuient pleg. & auxy vs exer̃ ceſty q̃ fait le dettoꝛ,pur r̃ que lour teſtatour ne acquietť les plegges &c. & ceſt bꝛiefe eſt viconttel, & poit eſtre ſue en le com̃ deuant le vi℮,ou en le common banke p vn pꝛer̃ &c. Et la foꝛm̃ del bꝛiefe en com̃ eſt tiel.

¶ Rex vic' &c.Pręcipiũ tibi, qđ iuſticies A. quã iuſte &c.

acquietē B.de de xx.s. vnde posuit se in plegium v's. C.& eū nondum acquietauit,vt dic' sicut rōabilit̄ monstrare poterit qđ eum inde acquietare debeat,amplius &c.p defectu Iust'. &c. Et la fozm̄ de bziet en cōmon bank ē tiel. ¶. Rex &c.Pręcipe A.qđ iuste &c.acquietet B.de centū marcis, vnde posuit se in pleg.versus C. & eum nondū acquietauit vt dic' &c. et nisi &c. *Vel sic pro executoribus*, qđ acquietet B.& C.execut testam̄ti D.de x.l.vnde posuit p̄đ D.in pleg.versus &c.& eos nondū &c.Vel sic vers.exec' Præc' A.et B. &c. exec' testam̄t &c.qđ iuste &c.acquietent E.de &c.vnde idē E. posuit se in pleg.versus D.& eum nondum &c.

E ¶ Et si home deuient pleg pur aut̄ en eschec. daccompt̄ pur luy & ne ē fait,il aūa bziet vs luy de luy discharḡ de cē accompt̄. Et le bziefe est tiel.

¶ Rex &c.De acquietando A. de quodā cōpoto, quem id B. p se de tempore quo idem A.fuit ball' libertatis Is. regiñ Angl' matris nr̄e in com̄ D.coram Thesaur̄ et baron̄ nr̄is de scac' reddere manucepit,vñ posuit eum in pleg.versus nos in scac' p̄đ et eum nondum acquitauit &c.

F ¶ Et si hōe deuiēt pleg. pur aut̄ pur paier certain mony ou de faire aut̄ chose &c. cy longem̄t cōe le p̄ncipal dettour ad riens & ē sufficient, les pleg. ne serra distr̄ per lestat de Magna charta,& filz sont distr̄ p le bi& &c. ils auera espeī bziet sur le stat de ē discharger,t' q̄l bziet serra tiel. ¶ Rex vic' &c. Monstrauerunt nobis A.et B.qđ cū ipsi deuenissent pleg. C.versus D. de quadā sum̄ pecuniæ,in qua idē C.p̄f.D.tenebatur,ac idē C. satis habeat, vnde p̄đ debitum solueret, tu nihilomiñ ipsos A.& B. distring.ad soluend̄ p̄t. D. pecuniam præd̄.Et quia iniustum est,quod plegij aliqui ad solutiōn debiti cōpellant̄,quā diu principales debitores sufficient habeant,vnde debitum suum reddere possunt, tibi p̄cipimus, qđ C.distring.ad præd̄ pecuniam soluend', & p̄f. pleg.suos pacē inde habeī p̄mittas, et aueria sua si quę ea occasione ceperis, sine dilatione deliberari fac'. Teste &c.

¶ Mes semble q̄ cē bziefe gist lou home recouer̄ vs les pleg̃ en le countie, & le bi& distr̄ eux pur paier le dt, lou le p̄ncipal dettour est suffic̄ &c. mes sil sue les pleg̃ en le comen banke.lou le p̄ncipal dett̄ ē suffic̄ de paier &c. ozes les pleg. poient pled̄ ē, & aūrer q̄ le p̄inc̄ dett̄ est suffic̄ de paier &c. ou si ils aūa bziefe al bi& q̄ il ne distr̄ eux &c. si le p̄ncipal dettour soit suffic̄ &c.q̄re de ceux cases &c. Et la proces en cest bziefe est sum̄,attach.et distr̄ &c.

74 ¶ Briefe de detinue.

BRiefe de detinue gist en cas ou hõe deliuer bñs ou chateux a vn a garder &c. & puis il ne voit eux redeliuer &c. ore il aũa briet de Detiñ de ceux bñs ou chateus, Et issint si hõe deliuer bñs ou mony en vn bagge enclose, ou en vn arch ou cofer, a deliuer a vn autr, & le bailf ne voit deliuer ceux bñs ou mony &c. en le bagge, ore cẽy a q̃ ils serra issint deliueres, puit aũ briefe de Detiñ pur ceux bñs &c. Mes si hõe detiñ mony nient en alr̃ bag ou cofer, a luy redeliuer, ou a luerer oustr̃ a vn estrong̃, ore il, ne cesty a q̃ le money serra detiñ, naũa briefe de detiñ p̃ cest mony, mes br̃ daccõpt̃ &c. pur r̃ q̃ detiñ couient estr̃ d̃ chose certaine, cõe de money en bagge, ou de vn chiual, ou de cent vaches, ou tiels choses en certain. Et cẽ briefe puit estre vicõtell, & serra sue deuãt le viscõt en le counte si le pl̃ voile, ou puit suer ceo en comen bank, & le forme del briefe en comon bank est tiel.

¶ Rex vic' &c. Prec' A. &c qd̃ &c. redd' B. vnam cartã quã et iniuste detinet, vt dicit, et nisi &c. *Vel sic.* Qd̃ redd' B. vnã pixidem cum tribus scriptis obligat̃ in eadẽ pixide contentis sub sigillo p̃dict̃ B. consignat̃. **Et le rule en le Regist̃ ẽ,** qd' in breui de chartis reddendis semper debet poni cert̃ numer⁹ chartar̃, vel scriptor̃. ¶ **Et hõe puit auer briefe de detiñ dun escript, & le briefe serra:** Præc' A. qd̃ &c. redd' B. qd̃dã scriptũ, per quod p̃d' B. oĩa bona et catal' sua in manerio de N. nuper existeñ I. de L. dedit et cõcessit, qd̃ ei iniuste &c. **Et le forme del briefe en le counte ẽ tiel.** ¶ Rex vic' &c. Præc' tibi, quod iusticies A. quod iuste &c. redd' B. vnam chartam, vel tres chartas, vel vnum scriptum obl', vel conuentionale, vel acquietañ, vel testam̃, vel chirographum, quod, quas vel quæ ei iniuste detinet vt dicit, sicut rõnabilit̃ monstrare poterit, quod ei ea redd' debeat, ne amplius &c. ¶ **Et si home sue en alr̃ court pleint de detiñ en ascun charr̃ que touch. et concerne frankr̃, sil ne sont en comon banke p briefe le roy, le pty def. puit suir prohibition, de cur inhibit̃ &c. de surcess &c.**

¶ Rex bal' I de R. sal'. Cum pl' ita de detentione chartarũ seu scriptorum liberum tenẽtum tangeñ in aliquibus cur̃, quæ record' non habent, scd̃m legem & consuetud̃ regni nostri sine br̃i nr̃o placitari non debeant, ac W. B. de eo quod idem B. redd' præfat̃ W. tres chartas coram vobis in curia

p̄d̄ dñi vestri de R. sine breui nostro implacitet, vt accipimus, vobis p̄cipimus, quod si ita est, tunc placito illo coram vobis in curia p̄d̄ sine breui nostr̄ vlterius tenēd̄ sup̄sedeatis omnino, & p̄f. W. dicatis ex parte nostra, quod breue nostrum de detentione chartarū p̄d̄ veri⁹ p̄f. B. sibi impetret, si sibi viderit expedire. Teste &c.

D ¶ Et le ple poit estre remoue p Pone hors del com al suit le pl̄ s̄as cās monst̄ en le brief, & al suit le def. il couient monstre cās en le Pone &c. Et cō clause serra en le fine del brefe, fiat exec' istius br̄is, si causa sit vera, alit̄ non &c.

E ¶ Et si hōe troue mes bñs q̄ ieo p̄de, ieo aūa brefe de Detinue de eux.

¶ Et si hōe done t̄re en taile p fait endent, & le donee deuy sans heire, ore le donor aūa brief de Detinue pur t̄re part del endent̄, q̄ le donee aūa.

¶ Et illint si t̄re soit done a ij & as heirs lun de eux, ore si le t̄ a term̄ de vie mor̄, cēy q̄ aūa la fee, aūa brief de Detinue pur ceo fait.

G ¶ Si hōe fait feffem̄t d̄ la t̄re p fait, vnc̄ le feffee naūa les charts concernāt la t̄re, mes le feffor eux reteign̄, sil ne doñ eux al feffee, mes d̄s estrange le feffee aūa ac̄ de Detiñ p ceux chres concern̄ la t̄re, sil ne puit faire a luy title p

H le feffor, ou p ceux q̄ claim̄ titl' p le feffor. Et iheire en taile aūa brief de Detiñ d̄s le discontinue pur le fait en taile per q̄l la t̄re fuit done.

I ¶ Et si hōe fait feffem̄t en fee de la t̄re q̄ est fee simple, & deuy, son heire auera les charts concern̄ m̄ la t̄re, & nemy les executors le pere.

K ¶ Et si hōe fait leas a t̄m des ans, & puis cōfirm̄ son estate en fee, ore iheire le feffee aūa le fait del lessor pur term̄ des ans, cibien cōe le confirmat̄, p t̄ que ceo fait, fait t̄ confirmat̄ bon. Et illint de chest̄ fait q̄ fait s̄ title, cōe releas, d̄u tiels, sans q̄ux son title ne serra sure, il aūa ac̄ de Detiñ pur ceux.

L ¶ Et iheire aūa ac̄ de Detiñ p charts, com̄t q̄ il nad la t̄re, come si ieo sue enfeffe oue garr̄, & ieo enfeffe auter one garrant̄ en fee, ore mon heire aūa b̄ de Detiñ p cō fait, p q̄ ieo sue enfeffe, p t̄ que il puit aū aduantage del garrant̄.

¶ Et si mon pere soit disseisie & deuy, ieo aūa brief de Detiñ pur les charts, com̄t que ieo nay la t̄re, & les executors naūa cest ac̄ pur eux.

M ¶ Et si hōe ad biens bail' a luy a deliuer̄ ouster̄ a vn auter

ter, et puis briefe de Detinue est pozt vns luy p cēy q̄ ad dēt dau les bns &c. ozre si le def. penū lacē delīa les bns ousteē a cesty a q̄ tis fuer bail', a luy a delīū : cest bon barre de cest acē &c. pur ceo q̄ il ad eux del' accozū al bail' a luy fait. Et apres deuozce fait en ē bar & feme, la feme aūa briefe de Detinue pur les bn dones oue luy en frankm. Quod vide M. 34. E. 1. et le pces est Sum, Attach. & Distrin.

75 Breue de recto de custodia terrę & hæredis.

BReue de Custodia p terr & hæred gist ou le t tient de sō ſnr p ſeruic de chiualry, & deuy en sō hōage, & vn estrāg. ent en le tre, & prist le cozps del heire, ozre cesty ſnr de que il tient aūa bē de Custodia p tre & hærede &c. & le bē est tyel. B

¶ Rex vic' &c. pcipe A. qd &c. redd B. custod' tre & hered C. q̄. ad ipsū B. ptinet, eo qd pred C. terā suā de eo tenuit p ſeruitium militare, vt dic', &c. & nisi &c.

¶ Alit de herede tm. Prec' A. qd &c. redd B. & C. vxor eius W. filium & hæred E. cuius custodia ad ipsos B. & C. pertinet, eo qd' pd E. terram suam de pref. C. *Vel sic*: de I. patre pd C. cujus hæres ipsa est tenuit per ſeruitium militare, vt dicit &c. & nisi &c. C

¶ Et bē de les tres soleūt est tiel, Prcipe A. qd &c. redd B. custod' vnius virgat terrę cum pertin in R. quæ ad ipsum pertinet, eo quod CC. terram illam de eo tenuit per ſeruitium militare, vt dic' &c. *Vel sic*: ratione dimiſſion q̄ ad ipsum B pertin, quam A. de quo pd' C. terram illā tenuit p ſeruic' militare, inde fecit eid B. vt dicit &c.

¶ Et si home ad gard per reason de gard, & est defozce de luy, donqz le briefe serra tiel. Quod reddat B. I. filiū & hæredē C. cuius custodia ad ipsum pertinet ratione custod terr et hered R. de quo pred C. terram suam tenuit per ſeruitium militare, in custodia ipsius B. exiſtentis. D

¶ Et si le seignioz pamont voyle suet briefe de Droit de gard pur les seruic & rent, & thē di meſne, il puit aū geſtal bē del tre et heire, sil voil, ou espeē bē *sic*, Præcipe A. qd' &c. reddat B. custodiam x. solid redditus, et hered C. que ad ipsum pertinet, eo quod pdict C. tenemētū vnde redditus ille prouenit, de eo tenuit per ſeruitium militare, vt dicit. E

¶ Et cest bre poit estr' sue en le com deuant le bī per vn Iusticies, & donqz le briefe est tiel. F

¶ Præcipim⁹ tibi, qđ justicies. A. qđ reddat B. custodiam terræ et hæred' C. quæ &c. vt dicit, sicut rationabiliter &c.

G ¶ Et le pl' poit remoũ ceo p vn Pone sans cause mise, & le def. coutent mẽe cause en le Pone &c. come il fra en Repl'.

H ¶ Et appiert p le Regist', q̃ gardein en socage aũa br' ď Droit de gard ďl heire solemẽt, ou del terre solement, ou pur ambideux, p̃ le heire, *sic* : ¶ Rex &c. Præc' A. quod &c. reddat B. W. filio et hered' C. cuius custod' ad ipsũ B. ptinet, eo qđ p̃d' C. terrã suam tenuit in socagio, et præd' B. propinquior est hęredi ipsius C. vt dicit. ¶ Et cest semble briefe p̃ le tre, Et le reas. et cause q̃ il aũa cẽe br̃, semble dẽe, ur ẽ q̃ pur le tre il ne poit aũa auẽ remedy, sil ne port ent en le tre, & vnẽ il semble a moy, q̃ gardein ẽ socage naũ br̃ de Droit de gard pur le tre, pur ẽ q̃ il est accõptable al heire pur cel, q̃ pue q̃ il nad droit al terre, mes come bailp. ¶ Et le gardein ẽ soẽ aũa briefe de Gard p cause de gard lou son gardein devoit aũ vn auẽ enfant en gard pur ceo que il est prochein ď sank a luy, a que iheritage ne poit dilẽ, & le briefe est tiel.

¶ Rex &c. Prec' A quod &c. reddat B. custodiam terr' & hered' C. q' ad ipsum B pertinet ratiõ custodiæ I filij & hered' D. qui terram suam tenuit in socagio, in manu ipsius B. existen. eo quod præd' B. terram suam tenuit in socagio, & p̃dict' B. propinquior est hæredi ipsius I. vt dicit, & nisi &c.

I ¶ Et sẽble q̃ briefe de Recto de communi custodia fuit al common ley, & cibñ p̃ gardein en socage pur le corps del heire come p̃ gardein en chivalry, mes briefe de Ravishmẽt de gard ne fuit al common ley pur gard ẽ chivalry, mes il est dõe p̃ lestatuť de W. 2. cap. 35. Et per lequity de cest statuť, gardein en soẽ auera briefe de Ravishment de gard cibñ come gardein en chivalry, & p̃ m̃ le reason il aũa br' de Droit de gard al cõmon ley, come gardein en chivalry aũa.

abriefe gardein in socage ad gardein in chivalry, sans diff. a mon dit Reuerend.

¶ Et si le mesne ad 2. files, & lũ deins age & lauť de pleine age, et deuie, et le sñr ad le gard de cẽp deins age, & puis le ť deuie, sõ hr' deins age, ore le sñr pamõt, & la soer de plein age, q̃ ẽ vn des mesñ, aũa br' de Droit de gard en tiel forṁ.

¶ Prec' A. &c. quod &c. reddat B. vni filiarũ et heredum W. & P. de E. custodiam terrę & hæred' R. q' ad ipsos B. et P. pertinet, eo quod præd' R. terram suam de præf. B. et M. soroẽ eiusdem B. altera fil' & hęred' eiusdem W. infra ætatẽ, & in custodia predict' P. existen, tenuit per seruitium militare, vt dicunt, & nisi &c.

L ¶ Et appiert p le Regist. q̃ briefe de Ejection custod' gist pur

pur la terre & pur heire ensemble, car le brief est tiel.

¶ Rex vic' &c. Si A. fecerit &c. tunc sum̃ &c. B. ostensurus quare cum custodia terræ et hæred' C. vsq; ad legitim̃ ætat̃ hær̃ p̃dict̃ ad ipsum A. pertineat, eo quod idē C. terrā suā de eo tenuit per seruitium militare, ac idē A. in plena et pacifica seisina eiusdem custodiæ diu extiterat, p̃dict̃ B. p̃dict̃ hæred' infra ætatem existen̄ ipsum A. à custodia illa violent̃ eiecit, vt dicit, et habeas ibi sum̃, et hoc breue &c.

A ¶ Autre forme de brief p̄ la terre soleint lour il ad ceo per grent le gardein, *sic.* ¶ Rex vic' &c. S. A fecerit &c. tunc sum̃ &c. B. & c. quare cum custodia vnius virgat̃ terræ cum pertin̄ in D. vsque ad legitimam ætatem I fil' et hæred̄ C. ad ipsum A. pertineat ratione dimissionis quam R. de quo prædict̃ C. terrā suā tenuit per seruit̃ militare inde fecit eidē A. vt dicitur, ac idē A. in plena et pacifica seisina eiusdem custod̄ diu extiterit, idē B hæred̄ p̃dict̃ infra ætat̃ existen̄ p̃d̄ A. à custod̄ p̃dict̃ violenter eiecit, vt dicit &c.

B ¶ Auf brief qui hõe ad gard de grãt le roy, & il grant ceo ouster a vn auf, q̃ est eicat del gard, *tunc sic, vt supra*, ration̄ dimissionis, quam C. qui custod' illam habuit ex cõmissiõn̄ dñi Ed. nuper Regis Angliæ p̃ris nostri, de quo p̃dict̃ R. terram suam tenuit per seruitium militare, inde fecit eidem B. &c. ac idem B. &c. *vel sic:* Si B. fecer̄ &c. tunc sum̃ B. ad rñdend̄ tam nobis quam præf. G. quare cum nos commiserimus p̃t E. custod̄ tr̄æ et ten̄t, quæ fuer̄ I. de C. defuncti, qui de nobis tenuit in capite, et quæ ratione minoris ætat̄ P. cõsang. et hæred̄ p̃dict̃ I. in manū nr̄am extiterunt, habēd̄ cum omnibus ad custod̄ ill' spectãtib⁹ vsq; ad legit̄ ætat̄ hæred̄ p̃dict̃, et idē E. in plena & pacifica seisina eiusdē B. custod' p̃text̄ cõmiss. nr̄æ p̃d̄ diu extitisset, idē B hæred̄ p̃d̄ infra ætat̄ existent̄ p̃d̄ A. à custod̄ cent̄ solid̄ redditus cū pertin̄ in H. inde violenter eiecit, vt dicit &c.

C ¶ Et gardein en socage aũa brieue de Eiectione custod̄, come appt p le Regist̄: & semble reasonable, sibien come il aũa briet de Rauishm̃t de gard p̄ le cozs, q̃ il aũa brieue de Eiectm̃t de gard pur la terre &c.

D ¶ Et si hõe ad personage de Abbey, ou Prioric, & ad dēt dauer les temporalties de ceux durant le vacat̄ de eux, sil ad le possess. de ceo durant le vacat̄, & est ouste, il aũa brieue de Eiectione custodiæ, Et le brefe serra tiel.

¶ Ostensur̄, quare cū custod̄ priorat̄ de B. ad ipsum A. in vacationibus eiusdem prioratus pertineat, ac idē A. in plena

& pacifica ſeiſina eiuſdē cuſtodiæ in vltim̄ vacatione eiuſdē cuſtodiæ in vltima vacatione priorat⁹ præd̄ diu extiterit,p̄d̄ B.præſ.A. à cuſtodia illa violentèr eiecit &c.

¶ Et per Regiſter eſt dit,que bꝛiefe de Dꝛt poit eſtre ſue de cuſtodia de Priore en tēps d̄ vacāt̄ &c. *ſic*,¶ Rex &c.Pꝛęc' &c.quod &c.redd' B.cuſtodiā Prioratus de N.&c.

¶ Et ceo eſt foundue per ieſtat̄ de Magna charta ca.32. Quod omnes patroni Abbathiarum &c.

E ¶ Et ē aut̄ bꝛief de Gard pur le coꝛpꝰ,q̄ ē appel bꝛief de Rauiſhm̄t de gard,& cē bꝛiefe giſt ſibñ p̄ ceſtuy q̄ ē gardein en ſocage,come p̄ ceſty que eſt gardein en chiualry.

¶ Et ſi home ad vn enf̄ en garde, p̄ ceo que ſon aunē tenoit de luy per ſeruit̄ de chiualry,& ceſty en.eſt rauy & pꝛis de luy,il auera ceſt bꝛiefe de Rauiſhm̄t.

F ¶ Et iſſint auera ſon graunt̄ de gard̄, ou ſes exet̄,ſil ſoit pꝛiſe de eux,& le ſoꝛm̄ de bꝛief pur le ſñr,de que launē tenſ. tenoit eſt tiel.

Rex vic' &c. ſalut̄.Si A fecerit &c.tūc pone &c. B. qđ ſit coram Iuſticiarijs noſtris, vel coram nobis tali die &c. vbicunque &c.oſtenſ. quare I.fil' & hæred' C. infra ætatem exiſtent̄,cuius maritagium ad ipſum A.pertinet apud N. inuentum rapuit & abduxit, contra voluntatem ipſius A. & contra pacem noſtram,& interim diligenter inquiras, vbi hæres ille ſit in balliua tua,& ipſum vbicunq; fuerit inuentus cap̄,& ſaluo & ſecur̄ cuſtodꝺ, ita qđ' eū habeas corā p̄f. Iuſtic' nr̄is, *vel ſic*,coram nobis &c.ad p̄f. tminū,ad redd' cui p̄d̄ A.& B. reddi debeat,& hēas &c.

¶ Et ſi iheire ſoit raue & eſloigñ dū com̄ en aut̄ county, donqꝫ le bꝛief ſerra tiel.¶ Rex vic' &c.Queſt' eſt nobis A.qđ B.C.fil' & hæred' I.infra ætat̄ exiſtent̄, & in cuſtodꝺ ſua exiſtent̄ apud E.in com̄ Linc' rapuit,& de com̄ illo vſq; I.in com̄ tuo abduxit,cont̄ volunt̄ ipſi⁹ A. & contra pacē nr̄ā : & ideo tibi p̄cipim⁹, qđ p̄d̄ hæred̄ vbicunq; in balliua tua inuen̄ poteris, cap̄,& ſaluo & ſecur̄ cuſtodias,ita qđ eū hēas corā Iuſt' nr̄is apud &c.tale die,quē diem idem A. habet verſ. p̄f.B. ad reddend' cui de iure reddi debeat,& habeas &c.

¶ Et la ſoꝛme de bꝛief pur Gardein en ſocage eſt tiel.

G ¶ Rex &c.S. A.fecerit &c.tunc pone &c.B.&c. quare cum cuſtodia terræ & hæred̄ C. vſq; ad legitimam ætatem ipſius hæredis ad ipm̄ A. ptineat,eo qđ p̄d̄ C. terram ſuam tenuit in ſocagio, & p̄d̄ A. ppinquior eſt hæredi ipſius C. ac idem A.in plena &c.diu extiterit, prædict̄ B.W.filium & hæred̄

præ-

prædˈ C. infra ætatem, et in cuſtodia ipſius A. exiſtentˈ apud N. inuentˈ, vi & armis cepit & abduxit, & alia enormia ei intulit, ad graue damnum ipſius A. & contra pacem nr̃am. Et habeas ibi noĩa pleg. & hoc breue, Teſte &c. *Vel ſic*: Vi & armis rapuit, & ipſum ſine licentia & voluntate ipſius A. maritauit, ad graue damnum &c.

A

¶ **Et ſi enfant ſoit en gard ſon ſñr, & durãt lõ nonage il entre ſur le ſñr, & luy ouſte del terre q̃ il deuerˈ aũ en gard, donque le ſñr aũa brˈ** Dentruſion de gard **vers luy, & le bre ſerra tiel.** ¶ Rex vicˈ &c. Si A. fecerˈ &c. tunc ſum̃ &c. I. filiũ & hæredˈ C. oſtenſ. quare cũ cuſtodˈ ad ipm̃ A. vſq; ad legitimam ætatem hæredis predˈ pertineat ratione dimiſſionis, quam L. de quo p̃dˈ C. terram ſuã tenuit p̃ ſeruitium militar̃ inde fecit prefat̃ A. & qdˈ A. in plena & pacifica ſeiſina &c. extiterit, p̃dˈ I. infra ætatem exiſtens, ſe in terram p̃dˈ intruſit, et cuſtodiam illã præf. A. detinet, ad damnum ipſius A. non modicum & grauamen &c. vt dicit &c. Et habeas &c. *Vel ſic*: Oſtenſ. quare cum cuſtodia mañij de T. cum pertiñ vſq; ad legitimã ætatem p̃dˈ I. ad ipſũ A. p̃tinuiſſet ratione dimiſſionis, quam B. cui H. de quo & Alicˈ vxor̃ eius p̃dictˈ C. manerium illud tenuit p̃ ſeruitiũ militare, illud dimiſit, inde fecit p̃f. A. &c. ac idem A. in plena &c. p̃dˈ I. dum infra ętatẽ fuit, ſe in maneriũ p̃dˈ intruſit, & cuſtodiã illã p̃f. A. hucuſq; detinuit, ad damnum &c. vt dicit &c. Et habeas &c.

B

¶ **Et ceſt brẽ giſt lou le tenant tient de hõe et ſa feme per ſeruice de chiualer en dꝛoit la feme, & le tenãt deuie ſon hẽ deins age, et le baron graunt le gard del terre a vn auˉ, le quel graunt ceo ouſter a vn auˉ, ſur que ihẽ entrude &c.**

C

¶ **Et ſi le ſeignr ad le gard del heire deins age, & luy tẽd conuenient mariage &c. et il ceo refuſe, et entrude, donqꝛ le ſñr aũa brẽ vers luy de recouer le value del marriage, et aury de recouer la terre, que ſerra tiel.** ¶ Rex Vicˈ &c. Si A. fecerit &c. tunc ſum̃ &c. B. &c. oſtenſ. quare cum maritagiũ p̃dˈ B. ad ipſum A. pertineat, eo qdˈ predˈ B. terram ſuam de eo tenuit per ſeruitiũ militare, & idẽ A. predˈ B. dum fuit infra ætatem in cuſtodia ſua competens maritagiũ abſq; diſparagatione, juxta formã ſtatuti de cõmuni cõſilio regn̄ nr̄i inde p̃uiſi, ſepiꝰ obtulerit, idẽ B. maritagiũ illud renuens præf. A. de maritagio ſuo non ſatisfacto ſe in tr̃is et teñtis intruſit, et de maritagio ſuo contradicit &c. ad graue damnum &c.

D

¶ **Et appiert p̃ les br̃es auantdits, que le gardein aũa briefe** Dentruſion de gard **vers le heire, ſi bien al plein age**

E

del

del heire, come durant son nonage.

F ¶ Et est auter br' de Valore maritagij p̄ le ſñr, ou par les execuťs vs iheiř, sans pler dascū intrusion en la tre p iheire &c. et le bzieue est tiel. ¶ Rex vic' &c. Si A. &c. fecerit &c. tunc sum̄ &c. quare cum maritagium ipsius L. &c. *vsq; ibi*, obtulerit, pref L. maritagiū illud renuens de eod̄ maritagio præfat A. cum jam ad plenam ætatē peruenerit satisfacere recusauit, et adhuc recusat minus juste, ad damnum &c. et contra formam Statuti.

G ¶ Et si iheiř soit ē gard le ſñr, & luy marry deinz age sans assent le ſñr, & quāt il viēt al plein age, il entr' sur le ſñr, & luy ouste del tre, donq; le ſñr aūa br' de Forfeit de mariage vs luy pur le double value del mariage, & le bzieue tra tiel.

H ¶ Si A. fecerit &c. tunc sum̄ C. fil' et hered' D. qd' sit coram Iustic' &c. ostens. quare cum maritag. ipsius C. vna cum custod' vnius acř terrę cum pertiń in N ad ipsum A. pertiń ratione dimissioń, quā L. qui custod̄ illā habuit ex dimissione F. cui G. eam dimisit, de quo pred' D. terrā suam tenuit p̄ seruicium militare, inde fecit pref. A. et idem A. pref. C. dum fuit infra ętatē, et in custod' sua competens maritagiū absq; disparagatione, iuxta formā statuti de cōmuni consilio regn̄ nr̄i inde ꝓuisi sepius obtulerit, idē C. maritagium illud renuens, se sine licentia et voluntate ipsius A. maritař fecit, et se in terř pred' (pref. A. pro maritagio pred' (non satisfacto intrusit, et de maritagio predicto eidē A. satisfacere contradicit, ad graue damnum ipsius A. et contra formam statuti p̄dict̄, vt dicit, et habeas &c. sum̄ &c. Teste &c.

I ¶ Et cest br' gist lou le ſñr grant le gard del heire & tre son tenant a vn F. q̄ grant m̄ lře & terř a vn L. que grant ceo ouster al dit A. ore le pl' q̄ tendē mariage al dit C. et il ceo refuse, & luy marie durāt son nonage, & al son pleine age enter en la terre &c. le mariage nient satiffie &c.

K ¶ Et aliter pur le ſñior vers le tenāt meine, *sic* : Si A. fecerit &c. sum̄ &c. B. fil' et hered' C. qd' sit coram Iusticiař &c. ostens. quare cum maritagium pred' B. ad ipsū A. perti-neat, eo qd' pred' C. terram suam de eo tenuit p̄ seruic' militare, Et idem A. competens maritagiū absq; disparagatione &c. Et p̄d' B. dum infra ætatē fuit frequenť obtulerit, idem B. maritagium illud admittere recusauit, et sine licentia et voluntate pref. A. se maritauit &c. ad damnum &c.

L ¶ Et le Sñr poit auer tiel bzieue de Forfeiture de mariage vers iheire le meine, sil luy marie durant son nonage,

e

ꝫ enter en le meſnaltie, ou pꝛiſt le rent & ſeruices del tenant perauaile, & le bꝛiefe ſerra gencral, come ſil fuit ẽ paraꝫuaile ꝛc. nient ſeſant mention del meſnaltie ꝛc.

¶ Si hõe ſoit tenant en taile, ẽ reuerẽ al roy, & le roy luy grant licence daliener en fee, et de pꝛender eſtate areẽ a luy et a ſa feme en tayle, le remꝫ a ſes dꝛoit heirez ꝛc. per q̃ il fait tiel feoffemẽt, & repꝛiſt eſtate a luy & a ſa fẽe en taile, le remꝫ a ſes dꝛoit hẽes & deuie, ſon heire deins age, le Roy aũa le gard durant la vie de la feme, niẽt obſtãt cẽ licence, car ceſt licence ne doſt a luy poꝛer daliener le reuerſion le roy ꝛc. Et quant le reuerſion ne poit eſtre diſcontinue, le taile ne poit eſtre diſcontinue, mes p ſon moꝛt iheire puit enter en le terre, et iſſint puit le Roy en ſon dꝛoit.

¶ Et ſi home ad ẽres a terme de ſa vie, le remꝫ en fee a vn auter, & puis ceſty en remꝫ en fee deuie, ſon heire deins age, il ne ſerra en gard durãt le vie le tenãt a terme de vie, pur ceo q̃ le ẽ a terme de vie eſt ẽ al ſñr pamoũt duraunt ſa vie, comẽt q̃ la ẽre ſoit tenꝰ p ſeruice de chiualry. Et le gard deins ouſter le termoꝫ, que tient a terme des ans del leſſ. ſon ẽ.

¶ Et le ſtatute de Marleb' pꝛoue ceo en maner que il puit iſſint faire. Et ſont pluſoꝫs auncient lieurs a pꝛuer ceo per les iudgemẽts done la. Et il ſẽble reaſonable q̃ il ſerra iſſ̃it p le annẽ title q̃ le ſñr ad, quãt il reſerue tiels ſeruices ſur ſon feoffemẽt dañ le gard, ſil deuie, iheire eſteant deins age.

¶ Et ſi le ẽ ſoit diſſ. & deuie, ſ̃ hõe eſteant deins age ẽ ſñr ſeuera le gard, & entẽ en la ẽre ſur le diſſeiſoꝫ en dꝛoit iheire.

¶ Mes ſi le teñ enfeoffe ſon fits durant ſon nonage, que fait homage al ſñr, & puis le tenãt deuy, le hẽ eſteãt deins age, le ſñr naũa le gard de luy, pur ẽ q̃ il ad accept luy pur ſon tenant en la vie le pere. Mes appt p leſtaũ de Magna charta, que le ſñr pꝛendꝛ homage del heire auant q̃ il auera le gard de luy ꝛc. mes ẽ eſt aꝑs la moꝛt laũceſtr', & remp en la vie launceſtoꝫ, & iſſint fuit la ley pꝛis en auncient lieurs.

¶ Et ſi hõe purchaſe diuers ẽres p vn feoffemẽt, queux ſont tenus ſeueralment de diuers ſñioꝫs per ſeruice de chiualrie, et puis il deuie, ſon heire deins age, ceſty Sñioꝫ que pꝛimes happer' le gard auera ceo, pur ceo q̃ la neſt aſcun pꝛioꝛitie. Mes ſil purchaſe terre que eſt tenuz p ſeruice de chiualrie dun ſñr, & puis il purchaſe auẽ terre tenuz dauter Sñr p ſeruice de chiualry, & puis il deuie, ſon heire deins age, oꝛe ceſty Seigñr aũa le gard del heire, de q̃ la terre q̃ il pꝛimes purchaſe ſoit tenus, car il tient de luy per plus

eigne

eigne feoffemẽt, s. prioritie, q̃ il tient de lauter sñr &c.

¶ Et si hõe tient de Roy p posteriorite &c. cert̃ terre, & il tient dant̃ sñr per prioritie auter terre et puis deuie son heire deins age, le Roy auera le gard̃ del corps p son prerogatiue, nient ayant regard̃ al prioritie ne posteriorite.

¶ Et si hõe tyent de Roy per posteriorite, & dank̃ home per prioritie, & puis le Roy graunt al Roigne le seignior a terme de vie, & puis le tenant deuie, son heire deins age, le Roigñ aña le gard del corps, nient ayant regard al posteriorite, pur ceo que le reuersiõ del seignior demurre en le Roy. Mes si le roy auer grant le rem̃ oustr̃ en fee a vn estrange del sñiorie, donque il semble q̃ le Roigne naña le gard del corps, pur ceo sñory de posteriorite &c. & prioritie est change p feoffemẽt del tenãt del fre: Come sil fait feoffement del terre q̃ il tient p prioritie, & repris estate arere de ceo, ore il tient cest terre del m̃ cel sñr p posteriorite, lou il tenr̃ ceo deuant de luy p prioritie. Mes si le seigñ de q̃ le fr tient p prioritie graunt son sñry a vn ank̃ en fee, & repris estate del dit sñry arere a luy en fee &c. vncore le fr tient de luy p prioryty, cõe il tenr̃ deuãt, pur ceo q̃ le pleõ del prioritie est adire, q̃ il tiẽt de tiel hõe & de les ancr̃, ou de ceux q̃ estate il ad en le sñiorie per antiquius feoffamentum &c. q̃ il tient lank̃ fre, issint q̃ le feoffemẽt del fre fait le prioritie. Et si le tenant forjudge le mesne, de q̃ il tient per prioritie &c. vncore il tenera per prioritie de Sñr paramount, come il tenoit del mesne auant &c.

¶ Le Maire & Aldermen & Chamberleins p custome de Lond̃ aña le gard des orphans en la Citie &c. Et sils cõmit le gard de tyel orphan a auter home &c. il aña br̃ de Rauishm̃t de gard vers luy q̃ prist le orphan de son poss. &c.

¶ Et si le gardein marie ihr̃e aps lage de 14. ans & puis ihr̃e est prise per estrange, le gardein naña br̃e de Rauishment &c. pur ceo que il ad eu leffect de son mariage.

¶ Si home ad gard ẽ droit sa feme, com̃t q̃ sa feme deny, vnr̃ il aña le gard, pur ceo que est chattel vestue en luy.

¶ Ou le tenant fait feoffement per collusion, & le sñr accept les seruices le feoffee, donqs il nauera le gard del hẽr le tenant, ne auerr̃ collusion.

¶ Mes si vn home a ceo iour fait feoffemẽt a son vle, & le Seignior accept les seruices les Feoffees &c. vncore si le Feoffour que ad le vse deuie, son heire deins age, le seignior auera le gard de son heire, per le statute Henr̃ 7. anno

anno 4.eiusd̄ regis ca.17.

A ¶ Et si hõe tiell. tre a tme de vie, le rem̄ ẽ taile al baron & feme, le rem̄ en fee as heires le baron, & le baron et feme deuie, son heire deins age, viuant le t̄ a terme de vie, son heire ne serra en gard.

B ¶ Si t̄ le roy done tre en taile sans licence le roy, lou il tient in Capite, & le roy accept le ant̄ t̄ pur son t̄, & les services de luy, & puis le donee en taile deuy s̄ heire deins age, le roy auera le gard, cõe semble p̄ le statute fait an̄ 34.E.3. ca.15. Et cest acceptance de seruices ne conclude le roy, car le roy ne serra cõclud̄ &c. sil ad matt̄ a monst̄ q̄ luy poit seruer &c. Et vnt̄ an 4.H.6. est adiudge al cõtrarie, & ideo quære la ley de ceo certainm̄t.

C ¶ Et les terres le feme deins age serra en gard, com̄t q̄ ſa baron soit de plein age.

¶ Et si feme soit passe lage de xiij. ans al temps de mort sa ant̄, el ne serra en gard.

D ¶ Le cõmittee le roy nũa gard p̄ cause de gard, mes le roy aũa ceo, p̄ ceo que le roy demurt gardein &c. Et iheire suera liuerie.

E ¶ Et si Eueſq̄ ad title daũ gard, & ne luy seisie en sa vie, & puis morust: ore le succeſſ. aũa cest gard, & luy seisiera &c. Autm̄t semble sil auer oit luy seisi.

F ¶ Et si iheire female soit mary p̄ le ſñr auãt lage de xiij ans, & puis le baron deuy, ore iheire female ne serra auter foits marie p̄ le ſñr &c. Et p̄ m̄ le reason il aũa bziek de Rauiſhm̄t de gard, si ant̄ hõe luy rauish de luy ap̄s &c.

G ¶ Si iaiel ad iſſue fits, & le fits p̄t fee & ad iſſue & deuy, le mere iſſue auera le gard del iſſue que est son fits dem̄, & nemy iaiel, com̄t q̄ iſſue poit aũ la tre, q̄ doit diſcend̄ a luy per iaiel, com̄t q̄ la mere nauera terre. H.31.E.3.

H ¶ Si enf. recoũ tre per bziefe de Dum non fuit compos mentis, il ne serra en gard. Et iſſint semble que il recouer p̄ Formed̄ ou ant̄ act̄ ant̄, lou il ne puit ent̄, p̄ t̄ que son ant̄ ne morust t̄ al ſñr &c. nen son homage.

I ¶ Et home p̄nder son gard, com̄t q̄ le gard soit ap̄nt̄ ou en seruice one auter.

K ¶ Mes si le t̄ fait feffem̄t p̄ collusion &c. le ſñr couient recoũ la terre p̄ bziefe de Droit de gard', auant que il auera dre p̄ le rauiſhm̄t del gard &c.

L ¶ Si hõe soit t̄ per le certesie dl tenancy, le heire ne serra en gard duṽ la vie le tenant per le curtesie &c.

¶ Mes

¶ Mes ſi home ad iſſue fits, & puis il prift fée q̄ ad tres tenus per ſeruic̄ de chiualrie, & ad iſſue per luy, & puis t fée deuie, ſi le baron ne ſoit t p le curteſie del tre la fée, donque le puiſne fits le bar̄ ſerra en gard durant le vie ſon pere &c.

M ¶ Et ſi enfant ſoit marie en la vie ſon pere deins lage ō conſent, & puis le pere deuie, lenfant eſteant deins lage de conſent, ore le ſñr auera briefe de Rauiſhm̄t pur lenfant &c. p̄ c̄ que il puit per cas diſagree al mariage fait.

N ¶ Et le ſñr le villein aūa le gard del terre & corps lheire le villein, ſil luy ſeiſi auāt le ſñr &c. auterm̄t nient del tre.

O ¶ Si tre deſcend al fée le baron, & puis le feme ad iſſue p ſa baron & deuie, deuāt q̄ le baron ent, iſſint q̄ il ne ſerra t p le curteſie: ore iſſue ſerra en gard, ſil ſoit deins age, et ſil nē heire apparant al barou. Ee iſſint ſi iſſue p la feme fuit vn feme & deins age, lou le bar̄ ad fits en vie, ceſt iſſue deins age ſerra en gard durant la vie le barō q̄ eſt ſon pere.

¶ Et Paſchæ 31. E. 1. fuit lopinion, q̄ ſi le barō naūa tres q̄ deſcend a ſon iſſue p luy m̄, q̄ donqs ſon iſſue ſerra en gard pur les tres la feme, ſil fuit deins age &c. en la vie le baron. Mes ſemble que la ley neſt iſſint ore priſe.

P ¶ Gardein en ſocage grant le gard ouſt a vn eſtrange, & ceſt grant agard bone. H. 26. E. 3 f. H. 33. E. 3.

Q ¶ Et ou enfant enter pur condic̄ enfreint ſur feffement fait p ſon anc̄, il ſerra en gard pur ceſt terre, ſil ſoit tenus per ſeruice de chiualrie &c.

R ¶ Et home ou feme aūa briefe. Quare filium & hæred̄ ſuū rapuit, ou Quare filium & hæred' rapuit, ou conſanguinium

S et hered̄ ſuū rapuit &c. ¶ Et ceſt p le common ley & le p: ces en briefe de gard appiert p leſtatute de Marleb. cap. 7. s. Sum̄, Attach. & diſtr̄. ¶ Et en brief de Droit de gard, ſil ne vient al diſtr̄, ou q̄ le pclam̄ ſerra agard, q̄ aūa tour p tiel tēps, q̄ 2. ou 3. counties ſoient tenus en le mean tēps auāt le ret̄ de ceo. Et ſi le briefe ſoit retorne ſeruie &c. & il ne viēt &c. il perd̄ le gard, & le pl' recouera ceo p iudgem̄t &c.

T BRiefe Deſchete giſt, ou l' tenant que ad eſtate en fee ſimple daſcun terres ou tenēts, & eux tient de alcun aut̄ ſeignior, & le t deuy ſeiſie ſans heire geñrall ou eſpecial, donqs le ſñr, aūa le briefe Deſchet vers ceſty q̄ eſt t de ceux terres ou tenements apres le mort de ſon tenant. Et p ceſt briefe il recouūa la terre, pur t̄ que il aūa eux en lieu de ſes ſeruic̄.

Mes

Mes ſi le t̄ en taile deup ſans heire, cēy en reuert̄ nauera bꝛief deſchet, mes Formed̄ en reuerter.

¶ Mes ſi home ſoit t̄ en taile de terre, le rem̄ a ſes dꝛoit he.res, & deup ſans heire &c. donqꝫ le ſñr de q̄ le tenant en taile tenoit les terres, auera bꝛief Deſchete, pur t̄ que le t̄ en taile fuit t̄ al ſñr pur le fee ſimple que il auera en la terre &c. A

¶ Mes ſi home ſoit tenant a terme de vie, le rem̄ en fee a vn eſtrange & a ſes heires, & puis leſtrange deuie ſans heire &c. & puis le tenant a terme de vie mozuſt, oze le ſñr nauera bꝛiefe Deſchet, p̄ t̄ que t̄ a terme de vie fuit t̄ al ſñr & nemy ceſty en remainder &c. Mes la le ſñr auera bꝛiefe Dentruſion ſi eſtrange ent̄ en la terre apꝛes la mozt le ten̄t a terme de vie. B

¶ Et ſi le t̄ ſoit diſſeiſe, & puis mozuſt ſans heire &c. il ſemble q̄ le ſñr aūa bꝛiefe Deſchet, p̄ t̄ que ſon t̄ mozuſt en homage Et il auera en ceo cas bꝛief de droit de gard, ſi le t̄ mozuſt ſon heire eſteant deins age, & per auntel reaſō il aūa bꝛiefe Deſchete. C

¶ Et ſi le t̄ deup ſans heire, & puis le ſñr deup, oze le hēre le ſñr aūa bꝛief Deſchet de recouer la terre &c. car cē eſchet fait & donet̄ dꝛoit al ſñr de auer la terre. D

¶ Et ceſt dꝛoit deſcende del ſñr a ſon heire &c. & l'foꝛme des bꝛiefes deſchet ſont diūs: Un ſbꝛiefe ſou le tenant eſt baſtard & deup ſans heire, donqꝫ le bꝛiefe eſt tiel. E

¶ Rex vic' &c. Præc' A. &c. qd̄ redd̄ B. x. acr̄ terre cū ptiñ in N. quas C. de eo tenuit, & q̄ ad ipſū B. reuerti debent, tanquam eſcheatca ſua, eo qd̄ p̄d' E. baſtardus fuit, et obijt ſine hæred', vt dicit &c.

¶ Sil ne ſoit baſtard, mes mozuſt ſans heire, donqꝫ le bꝛief ē, Et que ad ipm B. reuerti debeant tanquam eſchaeta ſua, eo quod p̄d' C. obijt ſine hæred,' *vel ſic*: eo qd̄ p̄d̄ C. feloniam fecit, pro qua ſuſpenſus fuit: vel pro qua vtlagatus fuit: vel pro qua regnū abiurauit vt dicit, et niſi &c. Et le foꝛme del bꝛiefe pur lheire appiert per le Regiſter. F

¶ Et le roy auera bꝛief Deſchete pur terres en Lond̄, ſi le t̄ deup ſans heire des terres la, p̄ t̄ que les t̄res en Lōd̄ ſont tenus de roy, a ceſt bꝛiefe il puit ſuer en bank le roy, ou en common banke. G

¶ Et ſi home ſoit decolle pur felonie, ou deup aps iudgement, deuant que il ſoit mis en execut. per le officer, uncoze le bꝛiefe dirra, pro quo ſuſpenſus fuit &c, Et neſt H

mate-

Rauns dyd after Iudgment

material ſil ſoit ſuſpendꝰ ou non.

I ¶ Et le courſe en le Regiſter fuit, q̄ ſi hõe fuit attaint de felonie, q̄ le roy mãdꝰ briefe al viꝭ de enq̄rer q̄ux fres & teñts il aũa &c. & q̄ux teigñ le roy, & q̄ux de auks ſñrs, & p queux ſeruiꝭ, & qñt ils valueꝭ p an vlꝭ repriſas &c. Et q̄ il certifie ꝭ &c. mes ceo eſt ouſte p ſtaꝭ fait Añ 28. E. 3. ca. 9. q̄ voit que commiſſ. ne ſoit fait as viꝭ de pꝛendꝰ endiam̃t. Et auxy fuit auꝭ bꝛiefe oꝛdaiñ ẽ le Regiſter direct al viꝭ denq̄rer, ou tiel meſ. ou fre q̄ W. aũ &c. q̄ fuit attaint de felony tueꝭ ſeiſin & main le roy per vn an & vn iour ou non, & de que ils fuerõt tenꝰ, & que auer ian & iour, & le ſwaſt, & que deueꝭ rñdꝰ al roy de ꝭ, & que il mandra ceo deuant le roy &c. Et oꝛe en lieu de ceux bꝛiefs couient eſtre fait vn commiſſ. de enq̄ de ꝭ, direct as certaine perſons &c. per leſtatute auantdit.

K ¶ Et ſi hõe ſoit attaint de felony &c. & vn auꝭ home entra en la fre & pꝛiſt les p̄fits &c. donq̄ ſi il ſoit troue per commiſſion, que tiel home que fuit attaint de felony auera tiels terres & teñts, & que les terres aueꝭ eſtre en main le roy per vn an & iour. Et que vn B. auera pꝛiſe les p̄fits p ceſt an & iour, & auxy ad eẽ le ſwaſt de ceo, & que les fres ſont tenus dun F. donq̄ cẽy F. aũa bꝛief al viꝭ a deliuerer luy ſeiſin del dit fre &c. Saluo iure cuiuſlibet &c.

render to the Kings Exchequer profits

¶ Et cẽy quꝭ ad pꝛiſe les p̄fits p le dit an & iour rñdꝰ al roy p̄ ꝭ. Et per cẽ appiert, que le roy auera mes l'pchein an & iour, que vient apꝛes le attaindꝭ. Et que ceſty que p̄ll les p̄fits pur ceſt an, rñdꝛa al roy pur ceux.

L ¶ Et ſi terres ſont tenus de Abbe, & le ꝭ deuie ſãs heire &c. oꝛe le ſucceſſoꝛ Labbe aũa bꝭ deſchet, & le bꝭ ſupp̄ q̄ ad ip̄m nunc Abbaꝛ reuerti debet tanquã eſchaeta ſua, eo qꝺ p̄d &c. obijt ſine hꝫ &c. vt dic', Et niſi &c.

M ¶ Et le ꝭ a terme de vie del ſñr aũa bꝛiefe Deſchet, ou ꝭ en doſwer, ou per le curteſie, & auxy le ſñr aũa bꝛiefe Deſchet del meſnaltie, que eſt foꝛſq̄ rent ſeruice &c. & demaunꝺ le rent per le bꝛiefe.

N ¶ Et le roy auera eſchet de teñts en cities & boꝛoughs, que ſont tenus de luy en fee ferme.

O ¶ Et ſi home ad title daũ bꝛief Deſchet, ſi accept homage del tenant, il uaũa bꝛiefe Deſchet vers luy apꝛes, pur ceo que il ad accept luy pur ſon tenant. Et iſſint ſemble reaſonable ſil accept fealtie de luy, que il nauera bꝛiefe de Eſchet, mes ſil accept rent del tenant, ceo ne barrera luy de ſon bꝛiefe deſchet, & le pꝛoces eſt Summons, graund

cape,

cape, & petit cape, come en auñ Pr̃ quod reddat.

77 Briefe de Couenant.

A + BRiefes de Couenant ſont de diũs natures, car aſcũs ſõt mere ꝑſonel, & aſſ̃ couenants ſont real ꝑ auer choſe real, come terre & teñts, come coueñt a leũ vn fine de tre &c. eſt coueñt real. Mes briefe de coueñt q̃ eſt mere ꝑſonel eſt lou home coueñt oue auter per fait de faire a luy vn meſe ou auter quelconqs choſe, ou de luy ſerũ, ou de luy enfeoffer &c. Et ne fait ceo accordant a ſ̃ coueñt: donqs ceſty a q̃ le coueñt eſt illint fait, aũ briefe de couenant vs luy. Et eſt vn note en le Regiſt̃, q̃ eſt tiel. Non debet fieri br̃e ſcd̃m legem mercator̃ de conuẽtione, quia non poteſt eſſe placitum de cõuentione fine facto: Et quilibet debet iudicari ſecundum factum ſuum, et non per alĩ legem: & le forme del briefe eſt tiel. ¶ Rex vic' &c. Præc' A. qd̃ &c. teneat B. conuenc' &c. de B dampñ et de ꝑdict̃ per infidelitatẽ et defectum W. fil' R. apꝑnticij ꝑdict̃ B. infra termiñ ſex annorum illatis eid' B. reſtituend'. Et niſi &c.

¶ Et ſi home fait coueñt ꝑ fait a vn auñ & a ſes heirs de luy enfeffe & ſes heires del mañ de D. &c. ore ſil ne voile ẽ faire, & ceſty a q̃ le coueñt ẽ fait deux: ore ſ̃ heire aũa briefe de coueñt ſur ẽ fait, & auxy laſſignẽ auera briefe de couenãt, lou le coueñt eſt fait a luy & ſes aſſignes. C

¶ Et iſſint exec̃ auera briefe de coueñt de conuenc̃ fait a lour teſtatour pur ꝑſonel choſe, & ceux briefes appec̃ per le Regiſter. D

¶ Et appiert per le Regiſt̃, q̃ hõe puit ſuer pl' de coueñt en le com̃ ou en hundꝛ &c. Et que il auera Recordare al vic̃ de remouer ceſt hoꝛs de com̃ en comen banke, ſicome il fra entrepl' ſue la. E

¶ Et ſi le pl' de coueñt ſoit ſue en le hundꝛ ou auter court dauñ Sñr, il auera Accedas ad curiam direct al vic̃ de remoũ le pl' en le comen banke.

¶ Et le briefe de coueñt ꝑ exec̃ eſt tiel. Præc' I. qd̃ &c. A. B. et C. executorib⁹ teſtamti N. conuentionẽ fact̃ int̃ ipſum N. et W. de E. de ipſo W. cũ ꝑd̃ N. more apꝑticij per ſeptennium morarurum, et eidẽ N. poſt termiñ illum cõplet̃ ꝑ tantum tempus quantum idẽ W. infra dict̃ termiñ ſe a ſeruicio iuſdẽ N. elongauerit ſeruitur̃, ad q̃ qd' conuentionem adimplend' et manutenend' idem W. per ſcript̃ ſuum ſe oblig. et niſi &c. Et ꝑdict̃ exec̃ &c. F

¶ ¶ Et

G ¶ Et si home fait tiel coneñt per parolx, ou de luy faire
aſcun meaſon &c. & il ceo miſfait, donqz le party aña act̃ ſur
cas pur ceſt miſfait.

¶ Et si home fait coueñt p parol̃ de faire tiel choſe, pur
certain ſum̃ de money, & p̃ſt ꝓcl de money &c. & tout donqz
limitte pur reſidue: oze ſil ne ceo fait accoꝛd̃ a ſon couenãt,
il auera action ſur ſon caſe vs luy pur ceſt non feſans, pur
ceo que ceſt vn bargaine enter eux.

H ¶ Et briefe de coueñt giſt vs executoꝛs pur coueñt ſon
teſtatoꝛ enfreint. Et le briefe ſerra tiel. ¶ Præc' I. et R. exe-
cutorib⁹ teſtamẽti E. qđ &c. teneat W. et A. vxori eius conuẽ-
tionẽ factam inter ipſũ A. et ꝓfatum E. de eo quod idẽ E. hæ-
ređ vel executores ſui reddant C. filio et hæredi I. cum idem
C. ad plenã ætatẽ puenerit, rationabilem compoſ ſuum de
omnib⁹ ẽris et teñtis, qđ ꝓd I tenuit in villa de N. in com̃ N.
ꝓuenient, quorum cuſtodiam idem E. habuit ex dimiſſione,
quam præf. A. cui cuſtodia ẽrarum et hæređ præd ꝓtinuit
eo qđ ꝓdict I. ẽram ſuã tenuit in ſocagio, et eadem A. ꝓpin-
quior fuit hæredi ipſius I. inde fecit eidem E. &c. et niſi &c.

I ¶ Et per cẽ briefe appiert, que le gardein en ſocage punt
grañt ſon eſtate auſter.

K ¶ Et ſi home ad fres a ẽme des ans, & coueñt ô eux leſſ.
en auxy bone plite come il eux troue, comẽt que il abate les
meaſons &c. le leſſour nauera briefe de coueñt auant le fine
del terme: car le coueñt ad relaẽ a ceo.

L ¶ Et ſi le leſſour leſſe le ẽme p fait poi, ſi le leſſoꝛ ouſte le
leſſee, il aña briefe de coueñt ſur ceo fait poi, comt̃ q̃ il nad in-
dent de ceo. Mes ſi eſtrange q̃ nul droit ad ouſte le leſſee
donqz il aña briefe de coueñt vers le leſſour, pur ẽ que il ad
remedy p act̃ vs leſtrange: Mes ſi leſtrange enter p eiſn̄
title ſur le leſſee, donqz il auera briefe de coueñt vers le leſ-
ſour, car ne il nad auꝛ remedie.

M ¶ Et en briefe de coueñt p le leſſee vs le leſſoꝛ, ſi le ẽme
ne ſoit encurũ, il reñ ſon terme vers luy auere, ſil aña luy
ouſte, mes ſi eſtrange luy ouſte p eiſne title, donqz il recou-
uera tout en dam̃ vs le leſſoꝛ, & le ſecond leſſee auera briefe
de coueñt vs le leſſour, ſi le leas ſoit fait a luy et a ſes aſ-
ſignes oue garrantie.

¶ Et ſi home leſſe ẽre a ẽme de vie p fait, & puis luy ouſt
&c. le leſſee nauera briefe de coueñt vs luy, mes aſſ. &c. mes
ſi p le fait il grant, que ſi eſtrange enꝛ p plus eiſne title, &
adonqz il auera briefe de coueñt ſur ceo, oze ſur ceſt eſpe-

ciall

tial matter il aũa bziek de coueñt auterñt nient, quod vide Triñ 26.H.6.

¶ Et en Lond̃ home auera bziek de coueñt sans fait pur le coueñt. A

¶ Et hõe auera bziek de coueñt vers pledges, q̃ deuiẽt per fait suretie ou fideiussour ꝛc. que auter home perfozme tiel coueñt &c. B

¶ Et lassign̄ del lesse maiñt̄ bziek de coueñt vs le lessoz, coñt q̃ il ne soit especifie en le fait del coueñt dascun assign̄ H.48.E.3. C

¶ Mes admiñist aũa acr̃ de coueñt cibñ cõe exer̃, coñ il semble, Et bre de coueñt deuer̃ estre pozt ou le coueñt ẽ fait, mes sil soit pozt en aut̃ coñ, le pty naũa ple debat̃ le bziek, sinõ q̃ le fait pozt date en auter coñ, & vide en title de Couenant en les Abridgemẽts pluis large pur cest matter.

78 ¶ Couenant de leuier fine.

ESt aut̃ maner de coueñt q̃ est plus en le realtie, et cest bziefe pzoperment gist lou home per fait grant a vn aut̃ a conust a luy p fine certaine terres ou teñts a luy & a ses heirs, ozc celuy a q̃ cest grant est fait auera bziek de coueñt vers luy pur leuier fine a luy de ceo fre, & la iozm̄ del bziefe est tiel. F

¶ Rex vic' &c. Præc' A. &c qd̃ &c. teneat B. conuention̄ suam inter eos factam de mañio de N. cũ pertiñ *Vel sic*, de vno mesuagio et vna acr̃ tre cũ pertiñ in N. &c. et nisi &c.

¶ Et le iozm̄ des pticulers en ceo bziek serra dse come le iozme est, come en Præc' qd̃ redd' de tre, de mitt̄ les particulers in icel bziefe.

¶ Et si cesty q̃ doit leuier le fine & faire le conus. ne puit beñ pur infirmitie, ou auter cause reasonable de faire le conus. en court, donqz il doit suer bziefe de dedim̄ potestat̃ directed al ass̄ Justic̄, q̃ il aler̃ a luy de p̄nõ s conus. & de certifier ceo as Justices de comon banke, & le bziefe de coueñt conient estre sue deuant le dedim̄ potestat̃ retozn̄ en common banke, & le bziefe de dedim̄ potestat̃ conient rehers. q̃ le bre de Conuention̄ est penõ en le comen banke deuant les Justic̄, & le bziefe serra tiel. G

¶ Rex dilecto et fidel' suo W. Rikhil salutem. Cum breue nostrum de conuention̄ pendeat coram vobis et socijs vestris Iustic' nostris de banco inter A. & B. et C. vxor̄ eius de vna carucata terræ cum pertiñ in N. ad finem inde inter eos cor̄ vobis et socijs vestris p̄d̄ de banco præd' secundum legẽ et

consuetudinem regni nostri leuand, ac præf. A.B. & C. adeo impotentes sui existant, qd absque maximo suorum corpoꝝ ꝑiculo vsque ad Westm, ad diem in breui ꝑd contentum ad recognitiones q in hac ꝑte requiruntur faciend, laborare non sufficiunt vt accepim, Nos statui eorund A.B. & C. compatientes in hac parte, dedim vobis potestat recipiend cognitiones quas ꝑd A.B. & C. coram vobis facer voluer in præmissis, & ideo vobis mandam, qd ad ꝑf. A.B. & C. ꝑsonaliter accidentes, cognitiones suas ꝑd recipiatis. Et cum eas receperitis ꝑf. socios vros ind distincte & apperte reddatis certiores, vt tunc finis ille int ptes ꝑd de tentis præd cora vobis & socijs vestris ꝑd, in eode banco leuari possit scdm lege & cons. ꝑd, & habeas ibi tunc hoc breue. Teste &c. ¶ **Et si** Dedimus potestat **soit fait al ase Justice de bank le roy, donqz le fozm del brieue est tiel.**

¶ Rex dilect &c. W. capitali Iustic' nostro. *vel sic* Iustic' nostro &c. Cum custos domus vicarie eccl' beati Pet Ebor tulerit br nr̃m de conuentione versus H. militem de aduocatione eccl' de F. ad finem inde inter eos coram Iustic' nr̃is de banco scdm legem & consuetud regni nr̃i leuand, ac idé custos & H. adeo impotentes &c. *vsque ibi*, & cum eas repeperitis ꝑf. Iustic' nr̃os inde sub sigillo vestro distincte & apte reddatis certiores, vt tunc finis ille &c. *vsque ib*, scdm legem & cons. supradict mittend' eisdem Iusticiar hoc breue. Teste &c.

¶ **Et si hõe ad diũs brieues de** couen̄t **pendant vs diũs ꝑsons in diuers com̄ &c. il poit a ũ vn brieue de** Dedimus potestat̄ **direct a vn Justice, de ꝑnder lour consl. seueralm̄t & de certifie eux &c. & la fozme del brieue est tiel.**

¶ Rex &c. Cum br̃e n r̃m de conuentione pendeat cor̃ vobis & socijs vestris Iustic' nr̃is in banco inter E. & I. de medietate manerij de N. cum pertin̄, & aliud breue nr̃m de conuentione pendeat coram vobis & socijs vestris ꝑdict int ipm E. & ꝑf. I. de vno mesuagio &c. *& sic de aliis &c.* ac fines inde inter eos &c. *vbi supra.*

¶ **Et si hõe doit leuer fin̄, & il est alant e̅ seruice le roy, donqz il auera** Dedimus potestatem **direct al Justic̄ de ꝑsons consl. ¶ Et issint de feme que est ꝑiegñ &c. Et le brief ferra mention de ceo,** *sic.*

¶ Rex &c. Cum breue &c. *vsque ibi*, ad finem &c. ac ꝑf. W. de mandato nostro obsequio nr̃o alibi intendant, & præf. I. ꝑgnans sit & grauida, ac prædict B. languidus & impotens sui

ſui exiſtit, p qđ p̄đ W. apđ Weſtm̄ ad diem in br̄i contentum venire non poteſt, nec p̄đ I. et B. ad dicē diem et locum laborare non ſuffic' ad cognic' &c. Nos eidem W gr̄ā volentes facere ſpecialem in hac p̄te, et ſtatui eorunđ I. et P. cōpatient' in hac p̄te, dedim⁹ &c. ¶ Et ſi ceſty en reuerē voit leuer fine ǒ ſon reuerē a vn auť ſur br' de Couenāt ſue ǒs luy: oꝛ cel conuſ. ſerra pꝛis ē le cōmō bāk mes ſil fiñ ne ſra engroſſe tāqꝫ le ť a ťm̄ de vie ad attoꝛñ. Et le fiñ eſt dit engroſſ. quaunt le chirografer fait les indenť del fiñ, & deliū eux al party, a q̄ le conuſ. eſt fait, donqz il eſt dit que le fiñ ē engroſſ et apꝛes ceo le reconiſee naū a vnqꝫ Quid iuris clamat ǒs le ť a ťm̄ de vie mes loꝛd̄ eſt quāt cēy en reū̄ ſur br' de Couenant ſue ǒs luy fait conuſ. del reū̄ſion p fiñ &c. donqz ſur ceo le conuſee aū̄a Quid juris clam̄ ǒs le ť a ťm̄ ǒ vye. Et ſi le ť a ťm̄ de vie ſoit feble, q̄ il ne poit trauerſ, donqz il poit ſuer Dedimus poteſtatē direct al aſſ̄ Juſtic̄ de p̄nd̄ ſon conuſ. &c. et de certifi. r ē en le common bank.

¶ Et autiel br' de Dedimus poteſtatē ſerr' graunt lou le ſm̄r p fiñ grāt ſes ſeruices ſon ť a vn auť ſur bꝛiefe de Couenant ſue ǒz luy, ſi le conuſ. ſue Per q' ſeruitia ǒz le ť, dōqꝫ ſil ſoyt feble, il poit ſuer Dedimus poteſtatem de pꝛender ſon conuſ. &c. et de certifier ceo &c. mes oꝛe le cours eſt de admitť le deť. en Quid juris clam̄, ou Per q' ſeruitia de faire attoꝛñ apꝛes plee plede. Et ceſt eſpecial lou il plede tiel plee q̄ il foꝛfeit ſon eſtať ſil ſoit troue vers luy &c. donqz eſt clere q̄ il ferr' attoꝛñ apꝛez plēe plede. Et le courǒ eſt de fair' attoꝛney oꝛe apꝛes plēe plede. Et ſil ſoit adiudge dattoꝛñ de ag. Diſtr̄ ad attornand̄ verz luy &c.

¶ Et ſi home ad br' de Couenāt vers vn de leuier fine, & ſur ceo Dedimus poteſtatem eſt direct al Juſtic̄ de p̄nd̄ le conuſ. del pty, et le Juſtic̄ pꝛiſt le conuſ. p foꝛce del bꝛiefe, & puis ne voile certifier ceo en cōmon bank, donqz le party poyt ſuer vn Certiorari direct a m̄ le Juſtic̄, reherſ. tout cē matť, & coment il ad pꝛis le conuſ. luy commandǒ p m̄ le br' de ceo certifier en cōmon bank &c. Et ſur ceo il poit aū̄ Alias, & Pluř, & Attachm̄t &c. vers m̄ le Juſtic̄, ſil ne voyle certifier ou retoꝛñ, et mē cauſe p̄ que il ne deuer' certifie &c. Et ſi le Juſtice ſoyt moꝛt q̄ pꝛiſt cē conuſ. il poit aū̄ Certiorari direct a ſes executoꝛs de certifier ceſt conuſ. & ſur ceo Al', & Pluř, vel Cauſam nobis ſignifices &c. Et ſur ceo Attachm̄t vers eux &c. ſi &c. Et en le fine del br̄ ſerra ceſt clauſe. Et habeatis ibi hoc br̄e, per quod cognitiones p̄d' recepiſtis, et

hoc breue. Mandamus enim Iustic' nostris de banco ꝓdict', quod cognitionꝫ et breuia predict' sub sigill' vestro eis missistis, quod ea a vobis recipiant. Teste &c. ¶ Et per t̄ appt, coꝫ q̄ Cercior̄ sopt mand̄ al Justic̄ de ret̄ cest conus. deuant les Justices del common bank, q̄ vnc̄ il couyent suer aut̄ bꝛe destre mand̄ a direct as Justic̄ de cōmon bank de rescett̄ tielx conus. ꝓules. Et le bꝛiefe de Certiorari q̄ serra direct as Just. de ꝓtender le conus. a le bꝛiefe que serra mand̄ as Just. de cōmō bank de rescetū cē conus. sont en le Register enter les bꝛiefes de Couenant.

C ¶ Et si hōe bail' lc̄ū fine des t̄res tenus de roy en chief, donqꝫ il couyent aū especˢ bꝛ' as Just. de cōmon bank tiel.

¶ Rex Iust. suis de banco sal'. Cum per literas nostras pat̄ de gr̄a nr̄a spec' concessiū I. qd̄ ipse de manijs suis de N. et I. cum ptiñ, quæ de nobis tenent̄ in capite, teoffare possit W. &c. recitand' totam chart̄ *vsq; ibi*, put in literis nr̄is pred̄ plenius contineat̄, ac bꝛe nostrum de conuent̄ pendeat coram vobis in bāco ꝓd̄ int̄ ꝓd' I. et W. de manerijs ꝓd̄ ad finē inde int̄ eos scd̄m legem et consuetud̄ regni nostri leuand', vt accepimꝰ, vobis mand̄, qd̄ finem ill' int̄ partes pred̄ de manijs pred̄ corā vobis in eodē banco leuari ꝓmittatis juxta tenorem literarum nostrarum predict̄ &c.

D ¶ Et si pott appeꝛ al court q̄ les t̄res sont teñ de roy en chiefe, la court doffice ne doit suffer tiel fiñ destre leuy sans tiel bꝛiefe direct a eux, declarant le pleasure del roy.

¶ Et est aut̄ bꝛiefe de Certiorar̄ direct al Treasorers & Chamberleins del eschequer, de certifie transcript̄ finis en chanc̄, et bꝛiefe de Mittimus hoꝛs de chanc̄ direct as Just. de common bank, de transcript̄ del dit fine &c.

¶ Et ē aut̄ foꝛm de bꝛ̄ de Certior̄ direct al chirograff. de certifie en le chanc̄ tenorem cuiusd̄ note, in cur̄ dñi E. nuper regis Angl' &c. come appiert per le Register.

69. Breue de dote vnde nihil habet.

E BReue de Dote vnde nihil habet gist en case ou femꝫ ꝓfit baron que est sole seisie de terres ou tenements a luy et a ses heires en fee simple, ou a luy et a ses heires de son coꝛps engendꝛes &c. ou si le baron duraunt les espousels enter luy et sa feme sopt sole seisie en fee simple ou en fee taile de tyel estate, que lissue enter luy et sa feme poit enherit̄ ceo: donque si le baron alien ceo, ou deuy seisi de ceo, ou soit

soit dissessie de ceo, et deuie, sa feme auera briefe de Dower vnde nihil habet vers cesty que est tenant del franktẽ de ẽ terre, ou vers cesty q̃ est gardein in chiualry de cest terre: e le forme del briefe est tiel.

¶ Rex Vic' &c. Præc' A. quod justè &c. reddt B. q' fuit vxor C. rationabil' dotem suam, q̃ eam contingit de libero tenro qd' fuit pred C. quondã viri sui in N. vnde nihil habet vt dicit. Et vnde queritur, quod pred' A. ei deforc', et nisi &c. A

¶ **Et vbi le gardein le bẽ est tiel** Præc' A. custoꝺ terr' et hær I. quod &c. reddat B. quæ fuit vxor C. &c.

¶ **Alit̃ lou feme est endow** ad ostium Ecclesiæ, *sic*: Prec' A. qd reddat B q' fuit vxor C. decem acr̃ terræ cum pertiñ in N. de quib⁹ præd' C. quondã vir ipsi⁹ B. eam dotauit ad ostiũ ecclesiæ, quando eam desponsauit, vnde nihil habet &c.

¶ **Et lil soit endow̃** de assensu patris, **donq̃ issint.** Præc' A. quod &c. redd' B. quæ fuit vxor C. centum acr̃ terræ &c. quibus præd' C. filius et hæres ipsius A. quondam vir ipsius B. de assensu et voluntate ipsius A. patris sui eam dotauit ad ostium ecclesiæ &c. vnde &c.

¶ **Et hẽc de** Dower vnde nihil habet **poit estre sue en le counte deuant viẽ per vn** Iusticies. B

¶ **Et feme serra endow̃ de aduow̃son, villeins, commons de pasture, et de autres p̃fits, ou liberties, de queux le baron auer estate denheritance, de quel estate issue enter eux poit per possibilitie enherit̃ &c.** C

Et feme poit suer briefe de Dower del terre ou tenẽtz en Lond̃, et le briefe serra direct as Maior & Viẽ de Lond̃, & le briefe serra tiel. D

¶ Rex Majori et Vic' Lond̃ saluté. Præc' vobis quod justicietis A. quod justè et sine dilatione, et secundum consuetudinem Ciuitatis nostræ Londoñ, redd̃ B. quę fuit vxor C. rationabilem dotem suam, quę eam contingit &c. in Lond', et justicies D. quod j. stè &c. et secundum consuetudinem &c. reddat ei dẽ B. rationabil' dotem suam &c. in eadẽ ciuitate, vnde nihil habet &c. vt dicit, et vnde queritur qd̃ pred̃ A. et D. ei deforceant, sicut rationabiliter monstrare poterit, quod ei reddere debeant, ne amplius &c. Teste &c.

¶ **Et p ceo appt, q̃ feme auera vn bẽ de** Dower **en Lõd vers seueral tenãts per seũal Iusticies en le br', sibien come el aña bẽ de** Dower **vers seũal ts per diuers** Præcipes, **et tout en vn bẽ. Et le p̃cess est** Sum̃, graund Cap̃, & petit Cap̃, **en common bank.**

80 ¶ Breue de Admensuratione dotis.

F BReue de Admensuratione dotis gist, lou lheir̄ endowa la feme quant il est deins age de pluis ẽre q̄ el deuer̄ aũ en dower, ou si le gardein endowa la feme de plus que del 3. part del terre que el deũ auer en dower: donqz lheire a so pleine age port luer cest br̄ de Admēsuratione dotis vers le feme, et per ceo ei serra admeasure, & le surplusage q̄ el aũa en dower, serra restore al heire, mes en t̄ case ei ne serr' assign̄ a nouel terre de teñ en dower, mes de prendr' de luy tant del terre q̄ est amount ouster le 3. part de tout la terr', de q̄ il deuer̄ estre endowe. ¶ Et si lheire deins age assign̄ dower al feme plus q̄ el deuer̄ auer auant que le gard ent en la terre, & seisist le gard: donque le gardein aũa br̄e de Admeasuremẽt de dower vs la feme, et ceo est done p̄ lestat de Westm̄ 2. cap. 7. ¶ Et si le gardein port le br̄e, et puis pursue ceo feinement vs la feme, uncore lheire a son pleine age auera cest briefe vers la feme per meisme lestatute.

G ¶ Et cē briefe est vicontiel, et terra sue en le counte deuant le Viz̄, et le br̄e est tiel. ¶ Rex Vic' &c. Questus est nobis A. filius & hæres B. quod C. quę fuit vxor præd' B. plus habet in dotem de liber̄ ten̄ qd' fuit præd' B. quondam viri sui in N. quam habere debet, & ad ipsam pertinet habend', Et ideo tibi præcipimus, qd̄ justè et sine dilatione admensurari fac' dotem illam, ita qd' p̄d̄ C. non habeat plus in dotem de hæred̄ p̄d̄ A. q̄m habere debet et ad ipsam ptinet habēd̄, scd̄m rationabilē dotē suã. Ita p̄d̄ A habeat de dote illa, id qd̄ habere debet, et ad ipm ptinet habē ł, ne amplius &c. Teste &c. ¶ Et br̄e pur le gardein est tiel. Questus est nobis A. custos terræ et hæred̄ C. qd̄ C. q̄ fuit vxor p̄d̄ E. plus habet in dotem ipsius &c. vsq; ibi, ita qd' p̄d̄ C. non habeat plus in dotem de hæred̄ p̄d̄ hæredis q̄m habere debet &c. Et qd̄ p̄d̄ custos habeat de dote illa &c. ne amplius &c. Teste &c.

H ¶ Et q̄n̄t le p'ee est en le county, le p̄' poyt remouer ceo sans cause, & le def. port remouer ceo ouc vn cause monstre en le briefe, vt in Repl'. Et si le briefe soit remoue en common bank per Pone, & sur ceo pres ag. vs le def. accord̄ al estatute, que est Sum. Attachm̄t, & Distring. &c. donqz le br̄e ne port faire ladmeasuremẽt, mes dextend̄ tout la terre particularly, et de ceo en cōmon bank: et sur ceo ladmeasuremẽt serra fait per les Justices.

I ¶ Et si le gardein assign̄ dower &c. plus q̄ el deuer̄ auer &c. & puis graunt ouster son estate: ore son assignee nauera

brieue

bziefe de Admeasurement.

¶ Et issit si ihē e deins age assign̄ dower pl⁹ q̄ el deuer̄ auer &c. ozc le gardein en dzoit port aū brē de Admeasurem̄t, mes sil grant oustr̄ son estate, son assignee q̄ est gardein en fait, naūa ceo brē, pur ceo q̄ fuit chose en acr̄ done a son tesloz &c. ¶ Et iheire aūa brē de Admeasurem̄t de dower pur dower assigne en temps son auncestoz.

¶ Et si feme soit endow en chancery per le Roy &c. iheir̄ auera brē de Admeasurement vs luy, si el ad plus assigne que el deuer̄ auer &c.

¶ Et si le gardein assigne dower pl⁹ q̄ el deuer̄ aū, ihē naūa Admeasurem̄t durant son nonage, mes sil m̄ assigne dower plus q̄ el deuer̄ auer &c. dongz sēble reasonable, q̄ il m̄ durant son nonage aūa bziefe de Admeasurement.

¶ Mes si la feme apz le assignem̄t appzoue la fre, & fait ceo meliox q̄ il fuyt al temps de assignem̄t, Admeasurement ne gist pur cest impzouem̄t. Mes si cest impzouem̄t soit p casualty de mine de carbones, ou plumbe, q̄ sōt en la fre &c. q̄ ont este occupy en tēps le barō: dōgz est pl⁹ doubt, mes el ne poit fair̄ nouel mines, car r̄ serra dit waste, si el fra cest.

¶ Et si launcestr̄ deuie seisie, & deuant q̄ le baron ent̄ en la terre il deuie, vncoze la feme serra endowe, coment q̄ sa baron nauera forsqz possess. en la ley.

¶ Mes home ne serra tenant per le curtesie del fre del feme, sinon q̄ la feme auera possess. en fait de ceo fre, sil ne soit en especial case, come de aduowson, ou rent, lou el deuie auant le tour de paiment del rent &c.

¶ Et ē cas si r̄ le roy deuie seisie, & iheire deuie deuant q̄ il enter, dongz la feme serra endowe.

¶ Mes si ihē ent̄ & entrue sur la possess. le roy, et puis deuie deuant q̄ il sue luy &c. ozc sa fēe ne serr̄ endowe p le statute de Prærog. Regis &c. cap. 12. q̄ voit, q̄ si ihē intrude sur le poss. le roy, quæ nullum accressit ei liberum tenūm &c.

¶ Ou fēe prist leas a terme des ans del terre, el ne suer̄ dauer dower de r̄ terre durant ceux ans &c.

¶ Et lou lestate q̄ le barō auera durant les espousels est determine, dongz la feme pdza sa dower: Cōe si tenant en taile discontinue en fee, et puis prist feme et disseisie le discontinuee, & ou le discontinuee luy enfeoffe en fee, & puis le tenant en tayle deuie seisie, ozc son heire est remitte, et la feme perd̄ sa dower, pur ceo q̄ iheire est eins dauter estate denheritance que le baron aūa durant les espousels.

¶ Et

¶ Et issint si home ad title daction de recouer aſ̄ terre, et puis il enter, & dissetse le tenant dl terre, et deuie seisie, p que s̄ hēe enter, ore ihēe est remitte al title q̄ son aunc̄ aūa, & la fēe le barō q̄ deuie seisie pdra sa dowr̄, car cest estate q̄ le baron aūa est determin, car ceo fuit vn estate de fēe p tort, & ihēe ad estate de fee que fuit en son auncestr̄ p droit &c.

G ¶ Si home fait done en taile, reseruant rent a luy & a ses heires, et puis le donor ad feme, & le donor deuie, & le t̄ en taile deuie sans issue: ore la feme le donor ne serra endow del rent, pur ceo que le rent est extinct, car fuit reserue sur estate taile q̄ est determine. Mes cōt q̄ le tenant en tayle deuie sans issue, vncore sa feme serra endowe, pur t̄ que la terre continue, & nest determine come le rent est.

H ¶ Et si iatel deuie seisi, & puis le pere deuy seisie, & le fits ad la terre, & puis la feme iatel est endow le 3. part, et puis deuie, vncore la feme le pere nauera dower de ceo iij. part, car dos de dote peti non debet.

I ¶ Et si le baron soit tenāt en cōmon oue 2. auters &c. en fee de certein terre, et deuie: ore sa feme serra endowe del tierce part de t̄ terre &c. et nemy per metes & bounds, mes a tener en common &c.

K ¶ Et si feme serra endow de Molyn, ou de office, el serra assign̄ del tierce part des pfits de ceo, et ceo serra frank̄ en luy de tierce part del molin. M. 45. E. 3.

L ¶ Feme dage de ix. ans & puis al temps de mort sa barō auera sa dower de sa terre. Si el fuit de meinder age al temps de mort sa baron, donques el nauera dower.

M ¶ Si feim̄ soit endow, & puis p̄ p acc̄ trie, si el pria aid d̄ cesty en reuer̄ &c. el serē nouelm̄t endowe de t̄ que reim̄ &c.

N ¶ Si le baron eschange terre &c. et puis deuie, si la feme ad dower del auc̄ terre pris en eschange, el nauera dower del auter terre &c. que fuit done en eschange.

O ¶ Si feme soit gardein en socage, & el port bēe de Dower vers estrange, il poit dire, q̄ el tient auks terres en socage, de q̄r el poyt luy meisme endow de le plus beal, et donq̄s sur ceo la feme poit endow luy meim̄ de ceux terres al value del tierce part que el deuc̄ auer en dower des terres que le gardein tient &c. Et si el poit luy meisme endowe de plus beale al value del tierce part que el deuc̄ auer de touts les terres sa baron, ou non, Quere: car Aleuns dient, dower de plus beale ne du̇ forq̄s durant le nonage heire que est en gard &c.

¶ Et

A ¶ Et le fits voit auer endow sa feme dun feũsion dl fre que vn tenant tiẽt a terme de vie, & ceo ex assensu pris &c. & ceo fuit tenus que ceo nest bon. M. 4. E. 3. pur ceo que nest chose en poss. &c. de que droit de Dower poit estre clamẽ.

B ¶ Et bẽ de Dower ex assensu prĩs gist vers le gardein sibñ come vers le tenant del franktenement.

C ¶ Si l'k tortiudge l'meslñ, vnt la fẽe le meslñ sert endow.

D ¶ Et si home recoũ en value verz le baron p garr aunk, vncore la feme le baron serra endow, pur ceo q̃ cest p force del garr fait, & nemy per ascun title eigne al terre.

E ¶ Le puisne fits ne assignñ dowr̃ a sa feme ex assensu prĩs del terre son pere, pur ceo que nest heire apparant.

F ¶ Et si l'bar enk ẽ religiõ, sa fẽe naũa dowr̃ dur sa vye.

G ¶ De aduowson la feme aũa le tierce pt pur sa dower.

H ¶ Per cloppemñt de feme de sa barõ, & demurr̃ oue sa aduowtrer, el perdra sa dower. Mes si el demurr̃ ẽ aduowtrie en les terres ou manors del baron, el auera sa dower, car ceo nest cloppement. ¶ Si le baron soit attaint de felonie p vtlage, ou auterñt, el perdra sa dower.

I ¶ Si vn tointenant fait fessemt de son part, sa feme ne serra endow, pur ẽ q̃ sa baron ne fuit vnqs sole seisi &c.

K ¶ Dowñt ex assensu matris est bon, mes ex assensu fratris, est tenus que ceo nest bon.

L ¶ Et dowñt ex assensu prĩs aps le mariage fait ẽ bon.

M ¶ Et si hõe espouse feme en sa chamber, Dowñt ad ostiũ camere nest bon.

N ¶ Dowñt ad ostiũ eccleſiæ de moitie de les tres est bon.

¶ Et fẽe marie en le chamber naũ dower p le common ley, H. 16. H. 3. Quære des espousels faits en Chappels ment dedicates &c. car plusors sont maries en Chappels p licence Leuesqz q̃ est ordinary &c. Et semble reasonable q̃ el auera dower en tiels cases.

O Et ẽ ascũs lieurs la feme aũa le moitie en dower come en Gauelkind.

P ¶ Et en asẽ Cities el aũa tout p le custome q̃ est appel frank bank &c. Et Glanuil dit, q̃ ad ostiũ eccleſiæ home ne poit assigne plꝰ q̃ le iij. part del tre &c. & sil ceo fait, la feme serra admeasure &c. mes meins il poit assigne diẽ per luy. Tamen a ceo iour il sẽble q̃ lassignement ad ostium eccleſiæ de plus que del tierce pt est bon, & ne serra admeasur̃ p ceo.

Q ¶ Et feme ne serra distr̃ pur les dets dne al Roy per sa baron en sa vie en les tres q̃z el tient en dower, nen les terres

terres de inheritaunce la feme, ne en les terres q̄ el aūay purchase fait per sa baron a luy & a sa feme, & a lour hēes, & si el soit distrē p le vicont, el poit suer tiel brieſe.

¶ Rex vic' &c. Cum ſcd'm legem et conſ. regni nr̄i Angl' mulieres in tris et teñtis quæ tenent in dotem de dono viror̄ ſuorū,vel quæ ſunt de hereditate ſua, vel q' ſibi ꝓquiſier̄ pro debitis virorum ſuorū reddend' diſtringi non debeant, ac tu B.quæ fuit vxor A.diſtringis in tris et teñtis ſuis,quę tenet in dotem de dono ꝓd' A. et etiam q' fuer̄ de hered' ipſi⁹ B. ſicut ex quærela ſua accepimus : Tibi præcipimus,qd' ipſum B.in terr̄ et teñtis ſuis q' tenentur in dotem, vel ſunt de hæreditate ſua propria, vel ex queſito ipſius B. pro debito ipſius A. quondam viri ſui redd' non diſtringas, vel diſtringi fac' contra legem & conſuet̄ præd', et diſtrictionem ſi quam &c. ei redeliberari fac' &c. Teſte &c.

¶ Mes eſt auſ forme de bē̄e en le Regiſter pur tenant ē dower, q̄ eſt direct al vic̄,luy cōmaund̄ q̄ il ne diſtr̄ la feme en ceux tres q̄ el tient en dower, ou de ſa inheritaunce pur det ſa baron : mes ceſt bē̄e ad ceux paroir en le fine del bē̄e, Dum tamen heredes vel executores teſtamenti ipſius A. ad debita illa nobis reddend' ſufficiunt non diſtr̄ &c. Et per ceux poir en le bē̄e il ſemble q̄ ſi iheire, ou les executors ne ont ſuffic̄ de terres ou biens de paier les dets que la feme ſerra charge et diſtr̄ pur le det le baron en ceux terres,mes il ſemble reaſonable,q̄ la feme ne ſerra charge ne diſtr̄ pur le ioynt purchaſe fait per ſa baron & luy, ne pur terre de ſa enheritance, ne pur terres de queux el auer title de dower auant q̄ ſa baron deuerigñ dettor le Roy. Et q̄ le pr̄im bē̄e eſt fait accord̄ al ley pur ceux cauſes. Mes ſi le baron fuit endet al roy auāt q̄ el aū title de dower, il ſemble auter.

¶ Et eſt auſ bē̄e en le Regiſter pur la feme direct al vic̄ q̄ il ne luy diſtreign̄ &c. en terres ou teñts, les q̄ux ſa baron & luy aner̄ purch. ioyntment auāt q̄ le baron dott aſcū det al roy,& ſil ad luy diſtr̄,q̄ il deliuer̄ arrer' cē diſtr' al feme &c.

¶ Et il ſemble en reaſō meſm̄ le ley,com̄t q̄ le baron fuit endet al roy deuant, q̄ ſil & ſa feme purchaſe la tre ioyntm̄t en fee a eux,que la terre apres la mort le baron ſerroit diſcharge de ceſt det en maines la feme & ſes heires.

¶ Et auter brieſe eſt en le Regiſter pur tenāt en dower direct al Vicont, q̄ il ne diſtr' la feme pur det de ſa baron, pur ceo que iheire que deuer' paier ceo de ſes terres, eſt deins age, et en garō le Roy, ou pur ceo que auſs tenāts

que

que ceux terres que ſerra charge pur ceſt det ſont amitt.

¶ Et iſſint ſemble, que les tres le t en dower ſerroient diſcharge, ſi fueront auters teñts des terres le baron, q̃ux terres fuerõt charges de paier ceſt &c. queux briefes appet en le Regiſter fo. 142. & fo. 143.

¶ Et aut̃ brief direct al viĉ, q̃ il ne diſtr̃ la fẽe q̃ tient en dower terres de dowm̃t ſa baron pur dets, pur q̃ux le barõ deuient dett̃ al roy aps le matrimonie ent̃ luy en le fẽe contract, nen terres ou teñts q̃ux le barõ & fẽe pchaſe iointm̃t en fee pur les dets le barõ, en q̃ux il deneigñ dett̃ al roy aps l'purchaſe. Et ei puit aũ tiel brief hors del chanĉ direct al treaſurer & barons deſcheq. eux cõmandõ, q̃ ils enquir de ceo, & ſils troue cẽ matr̃, q̃ ils ſurceſſ. & diſchẽ ſa fẽe &c. oue cẽ puiſe en le briefe. Prouiſo, qd' debita illa de execut̃ & hẽr̃ pd̃ A. ac tenentib⁹ terrarũ q̃ ſua fuer̃, & qui inde de iure debent onerari ad opus noſtr̃ leuent̃ vt iuſtum eſt, Teſte &c.

81 ¶ Breue de Conſuetudinibus & ſeruicijs.

BRiefe de Conſuetudinib⁹ & ſeruicijs eſt brief de droit en ſa nature, & giſt aſĉ toits p cẽy ſñr q̃ ad fee ſimple en le ſeignioꝛie: Et aſĉ toits per t̃ en taile de ſñrie, ou p teñt en dower, ou a terme de vie, ou p cẽy q̃ ad maind eſtate en le ſñrie q̃ eſt ſimple, & le brief ẽ cloſe, & nemy patent, & ſerra direct al viĉ, & ſerra ret̃ aſĉ toits en le common banke al pleaſure cẽy q̃ voit ſuer le briefe, car ceſt brief puit eſtre ſue en le com̃ deuant le viĉ per vn Iuſtices.

¶ Et le briefe giſt ou le t̃ luy deſoꝛce del fuit̃ q̃ il deuer̃ aũ de luy, ou del rẽt q̃ il deuer̃ auer, ſibñ come del ſeruice. Et la foꝛme del briefe q̃ eſt retoꝛñ en comen banke eſt tiel.

¶ Rex vic' &c. Præc' A. qd̃ &c. faciat B. conſuetud' et ſeruic', q̃ ei facer̃ debet de libero teñto ſuo, qd̃ de eo tenet in C. vt in redditibus, arreragijs, et alijs *Vel ſic*, in homag. releuijs, et al', *vel ſic*, in ſectis cur et alijs, et niſi &c. ¶ Et ſi le pr̃ ne fuit ſeiſi des ſeruic̃ & teñts q̃ il claim̃, mes ſon ant̃, donq̃ il ne dirr̃ en le briefe, vt in arrerag. &c. mes omiſſ. ſerra fait en le briefe des ſeruic̃.

¶ Et ſi le brief ſoit ſue en le com̃ deuãt le viĉ, donques le brief eſt tiel ¶ Rex vic' &c. Iuſtices A. quod &c. fac' B. cõſ. et ret' ſeruic' &c. *vt ſupra*, ſicut rationabilit̃ monſtrare poterit, quod &c. ne amplius &c.

¶ Et home puit ſuer diũs tenants p vn brief de conſuet & ſeruicijs per diuers Pꝛecipes en le common banke, ou p vn

vn bꝛief & diũs Juſtices en le bꝛief. que ſerra direct al bꝛe, & il tenerꝫ plee ſur ceux. Mes ſi le bꝛief de Conſuet & ſeruic̃ ſoit ſue vers diuers tenants p diuers Præciꝑ en le bꝛiefe, & retoꝛne en le common banke, donques touts les Præc' ſerra mis enſemble ſic: Præcipe A. quod fac' B. &c. Et præc' C. quod &c. fac' D. &c. Et præc' F. quod &c. fac' G. &c. Et en le darr̃ Præciꝑ ſerra mis ceſt clauſe, in redditib⁹ & alijs, & ceſt parol (arreragij) ſerra omit &c.

G ¶ Et quant le bꝛief eſt en le dꝛoit ſolem̃t, donqꝫ il count̃ del ſeiſin ſon aunc̃, et le bꝛiefe eſt ſolem̃t en le debet, mes quant il count̃ de ſon ſeiſin demeſne, donqꝫ le bꝛief eſt en le debet et ſolet &c.

D ¶ Et diſclaimer giſt pur le t̃ en cẽ bꝛiefe vꝰs le vꝛay.

I ¶ Et nota ſil dit en le bꝛief, vt in redditibus et arreragijs &c. et ceux parolx p̃uer q̃ le dd meſme fuit ſeiſi des ſeruic̃, et donques ſil count en tiel bꝛief de ſeiſin ſon anc̃, & nemy ꝰ ſon ſeiſin demeſne, le bꝛief abatera. Qd̃ vide en tẽps E. 1. en title de droit.

¶ Mes ſil voille poꝛr̃ bꝛief de Cuſtom̃ & ſeruic' del ſeiſin ſon aunc̃, il couient omit̃ ceux polx en le bꝛiefe, vt in redditib⁹ & arreragijs &c.

K ¶ Et bꝛief de Cuſtom̃ & ſeruic̃ ne giſt vꝰs t̃ ẽ frankmariag. ũnon aꝑs le quart degree paſſ. &c. ſi non q̃ il ad fait homage al ſñr &c. car p ceo il eſt concluꝫ &c.

L ¶ Et ſi home voille poꝛr̃ bꝛief de Cuſtomes et ſeruic' vꝰs alc̃ tenant, & per ſon count dꝰ homage, donqꝫ le bꝛief couẽt faire eſpecial mention de ceo &c. come admiſe, vt in homag. &c. autrement le bꝛiefe abatera.

M ¶ Et ſi home tient diuers manoꝛs en diuers counties p vn ſeruic̃ &c. ſi le ſñr ſoit deforce ou deteigne de ſes ſeruic̃, il aũa ſeueral bꝛiefs de Cuſtom̃ et ſeruic' pur chaſc̃ com̃ vn bꝛief, & aũa eux retoꝛn̄ a vn iour en le common banke, & dõques connt̃ ſur eux, come ſon caſe eſt, Quod vide en title de Droit añ 30 E. 1.

N ¶ Et nota q̃ ceſt bꝛief eſt vn Præc' qd̃ fac' &c. & ſou il dꝰ t̃re, donqꝫ le bꝛief ẽ, Præc' qd̃ redd' &c. Et in cẽ bꝛief le miſe ſerra ioine, ſi le bꝛief ſoit poꝛr̃ verꝫ cẽy q̃ eſt tenãt en fee del tenancy p ceſty q̃ eſt dꝰ del ſñrie en fee ſimple. Mes ſi le bꝛief ſoit poꝛr̃ p t̃ en dower, ou t̃ en taile, vers le t̃ en fee ſimple coñt le miſe fra ioñ eſt vn queſtion, mes il ſẽble q̃ le miſe ſerra ioine en ceo caſe, car le feebleneſſe del eſtate del pt le dꝛ̃t ne ouſtr̃ le t̃ del plee q̃ la ley a luy done, & de ioindr̃ le miſe. Mes ſi le bꝛief ſoit poꝛr̃ vꝰs t̃ a t̃me de vie, ſou le rem̃

eſt

eſt ouſter en fée, la le tenãt poit prier en aide de cẽy en rem̃, & donq̃ les ij. poient ioind̃ le miſe oue le dõant &c. Mes ſou le dõnt q̃ ad particular eſtate poꝛt lacẽ, com̃t que il prieꝛa aid̃ en cẽy en reuerẽ de ioind̃ le miſe, ẽ eſt duẽ deſtẽ fait &c Mes il ſemble reaſonable, que meſm̃ la ley q̃ luy enable de ſuer lacẽ, q̃ meſme la ley deuẽ luy enable de ioinder l'miſe ſur le plee le tenant.

82 Breue de Annuitie.

BBreue de Annuitie giſt en caſe ou home graunt a vn auẽ vn annual rent a term̃ de vie, ou des ans, ou en fee hoꝛs de ſa fee, ou hoꝛs de ſes coffers, ou de reſceiũ de ſon ꝓſon al cerẽ iour annualm̃t: oꝛe le grauntee poit ſuer brief Dannuitie pur ceo &c. ſil ſoit arere al iour de paym̃t &c. Et ſil ſoit graunt hoꝛs de fee oue clauſe de diſtr̃, donque it poit eſlier a diſtr̃ pur ẽ & faire ceo vn rent charge, ou poit poꝛẽ briefe dannuity p̃ ẽ. Mes ſil poꝛt briefe dannuitie pur ceſt, & appeẽ al ceſt briefe, & fait count en ꝓpel, donq̃ il ne doit diſtreiñ pur cel apꝛes, ¶ Et en ſẽble mañ ſil diſtr̃ pur ceo q̃ fait auoꝛie &c. dõq̃ il ne ſueẽ briefe dannuitie aꝑs p̃ ceſt rent. Mes ſi hõe grãt annual rẽt a vn a ſine de vie, ou des ans, ou en fee, et ne expꝛeſſe en le graunt ou il ſerra priſe daſcũ terres ou tenẽts, ne aſſ diſtr̃ graunt pur non payñt de ceſt rent, donq̃ il eſt mereñt priſ vn annuitie, & nauera auter action ne remedy pur ceo, ſinon briefe dannuitie.

¶ Et cẽ briefe poit eſtre ſue en le countie p Iuſtices deuãt le biẽ come en comen banke. Et le foꝛme del briefe en le coũtie eſt tiel. ¶ Rex vic' &c. Præc' tibi, quod iuſtcies A. quod iuſte &c redd̃ B. centum marcas, decem quarteria frumẽti, et xx. robas, q̃ ei aretro ſunt de annuo redditu C.s. duorum quart̃ frumenti, & vnius robe, q̃ ei debet, vt dicit, ſicut̃ rationabiliter monſtrare poterit, quod ei redder̃ debeat, ne amplius &c. Et le foꝛme del briefe en comon banke eſt tiel.

¶ Rex vic' &c. Præcipe A. quod iuſte &c. redd̃ B. cent̃ marc' & medietatem trium pannorum, cũ pellura, & duorũ pãnorum cum ſindone, q̃ ei aretro ſunt de annuo redditu decem marcar̃, & medietatis vnius panni cum furrura, & vnius pãni cum ſindone, q̃ ei debet &c. & niſi &c.

¶ Et nota en ceſt briefe le foꝛme eſt, Quẽ ei debet, ſon il demand̃ auẽ choſe que money, & vncoꝛe en briefe de Det le foꝛme ẽ, q̃ il ne dirra en le briefe, quas ei debet, ſinon que il

dõ

dõ mony, car sil dõ roabes ou frumt, ou tiels chattels, le
bziefserra, quæ vel quas ei detinet, & nemy debet &c.

D ¶ Et en bet si home dõ argẽt, & aury x. quarts de frumt,
donqz la forme del bziefest, Præc' A. qđ iuste &c. redd' B. de-
cem libras &c. quas ei debet, ac deẽ quarteria frumti qne ei
iniuste detinet &c.

¶ Et si hõe ad annuitie de xx. l. de resẽ dun A. & il grãt
x. l. de resẽ de meisme le A. al vn auter home &c. oze per cest
le dit A. ne serra charge per cest grant, mes solemt le gran-
toz p bziefdannuitie, mes sil aũ grant x. l. parcel del dit an-
nuitie de xx. l. il sẽble donqz que le grant doit charge cesty
que doit pay les xx l. per bziefe dannuitie.

E ¶ Et le bziefdannuitie couiẽt estr̃e pozt en le county ou
le grant fuit fait, ¶ Mes annuity de resẽ de home de religiõ,
ou de cozps cozporate, on de esgl', couiẽt estre pozt ou lesgl'
ou meason est, ou lou le seisin de r̃ est alledge destre fait.

F ¶ Et iheire serra charge p bziefdannuitie sur grant iõ
pere, sil ad assets per discẽt: Mes annuitie ne serra maint
vs iheire p pscripc̃, p r̃ que ne poit estre con⁹ sil aũa per
discent ou miẽt p m̃ iant̃ &c. p q̃ lannuitie cõmence &c.

G ¶ Et bziefDannuitie serra maint vs pson sur grant iõ
pdecessoz p assent Lozdiñ & le patron, & issint sur ozdinance
fait p le ozdinarie sans le patron sil auer quid p quo.

¶ Et annuity grãt p Leuesqz per confirment le Deane
& Chapiter, lier̃ le successoz Leuesqz.

H ¶ Si home grant al vn home xl. s. ou vn roabe annuel-
ment a tiel toure &c. apzes le tour il puit demand lã ou iant
a son pleasure.

I ¶ Et annuitie serra maint p Parson vs Vicar sur oz-
dinãce del ozdinarie, sil ad quid p quo.

¶ Et sur debate sur aduowson ent vn pbend & vn prior,
lozs fuit compositr̃ & ozdinãce, q̃ le pbend aũa annuitie d xx.
s. & le prioz la duowson a touts iours, & r̃ charge le prioz p
bziefdannuitie & ses succes T. 9. R. 2.

K ¶ Et en tẽps de vacat, le patrõ & iozs poient charge le
esgl stouts iours per iour grant, come appiert en m̃ lan.

¶ Et si le roy grant annuitie a vn a terme de vie ou des
ans, il couiẽt exprcss. en son grãt, p q̃ maines il resceiũ cel
annuitie, cõe adire p man⁹ vic' de S. ou ball' nr̃or de man-
rio nr̃o de S. & donqz le ball' ou bir̃ aũa allowãs sur cest po
tẽt mõstre sil pay cel, & sil nad tielz poir en le grãt del ãnu-
itie, donqz le grãt ẽ void, car il ne puit suer al roy pur cest,

et nul perſon eſt tenus de paier ẽ a luy, ſil ne ſoit expreſſe, et noſm̃ en le patent &c. Et le pẽ en briefe dannuitie eſt ſom̃, attach. & diſtr̃, Et pur default de diſtr̃ &c. proc' dutlag. per le nouel ſtatut fait añ 23. H. 8. ca. 14. N

83 ¶ Breue de ꝓcedendo ad juditium.

BRiefe de proceđ al iudgem̃t giſt ici u les Juſtic̃ en aſcun court delate le partie pl̃ ou def. q̃ ils ne voil̃ doñ iudgem̃t pur luy, quant ils deuer̃ ceo faire &c. donqꝫ ceſty que eſt greue añ a cẽ briefe direct as Juſtic̃, & le forme eſt tiel. B

¶ Rex maior̃ et vic' Lond' ſal'. Quia redd̃ iuditij loq̃lę q̃ eſt coram vobis in Huſtingo noſtro Lond̃ ſine breui noſtro inť A. et B. de quadã tranſgreſſ. eidẽ A. ꝑ pſ. B. illať vt dicitur, diutinam cepit dilatioñ ad graue damnum ipſius A. ſicut ex querela ſua accipim⁹, vobis pręcipim⁹, quod ad iudicium inđ redd̃ cũ ea celeritate, qua ſcđm legem et conſuetud̃ ciuitať prædict̃ fieri poterit ꝓcedať. Teſte &c.

¶ Et ſur ceſt briefe il añ a Al' & Plur̃ direct a eux, ſils ne voil̃ ꝓceđ, et apres attach. ſur ceo direct as cozoners &c. reť en bank le roy ou comen bank. Et appiert ꝑ le brief que il giſt vers Juſtic̃ de record ſibñ come vers auť Juſtic̃. C D

¶ Si home pria aide de roy en action real, & laid̃ ẽ grant, oze ſerra agard̃ que il ſuer̃ al roy en chanc̃, & les Juſtic̃ de cõen bank ſurceſ tanqꝫ brief de ꝓceđ in loq̃la vi ẽt a eux &c. E

¶ Et donque ils poiẽt ꝓceđ en le pl̃ tanqꝫ q̃ il ſoit auenue q̃ ils deuer̃ doñ iudgem̃t &c. ꝑ le pl̃. Et donqꝫ les Juſt ne deuer̃ ꝓceđ al iudgem̃t tanqꝫ q̃ le brief vient a eux de ꝓceđ al iudge. q̃ eſt appel briefe de ꝓceđ ad iudic'.

¶ Et iſſint eſt ſi le def. pria aide en acť ꝑſonel de roy, et laid̃ grant &c. oze les Juſtic̃ ne deuer̃ ꝓceđ tanqꝫ Procedendo in loquęla vient a eux, & donqꝫ ils poient ꝓcedẽ & trier les iſſues ioiñ &c. Mes vnc̃ ilz ne doñ iudge. tanqꝫ brief vient a eux de Procedendo ad iudicium.

¶ Et ſi le roy certifie al Juſtic̃ ꝑ ſ̃ brief, q̃ les ẽres ſont ſeiſies en mains le roy &c. oze il ſurceſſ. tãqꝫ briefe de Procedendo in loquæla ſoit mand̃ a eux apres. F

¶ Et iſſint ſil appiert as Juſtic̃ de record, que les teñts ſont ſeiſies en maines le roy, ou ſil appere al court per le pleding & monſtrãs des ꝑties, q̃ le roy ad intereſt in la ẽre, ou ꝑdẽ rent &c. ou ſeruic̃, la court doit ſurceſſ tanque ils ont ꝓceđ in loquæla del Roy: et ſi le Proceđ ſoit direct a aſcun des Juſtic̃ de ꝓcedẽ &c. il eſt bone, coment

que il ne ſoit direct a touts.

¶ Et ſi home añ a aid de roy &c. le Proceđ couient faire mention de ceſt aid prier, & rehearſ. ceo en le briefe, eux commandõ de proceđ en le plee, autrem̃t il neſt bone.

G ¶ Et ſi conuſ. de plee ſoit grant &c. en action real ſue en comen bank. & puis en le franchiſe, le tenant pria aid de roy ſur bone cauſe, & ad ceo graunt: ore le proceđ ſerra grant a ceux des franchiſe.

H Et ſi le roy eſcrie as Juſtic̃ de prog. laſſ. co q̃ le def. eſt en ſon ſeruice &c. vnc̃ les Juſt. deuec̃ proceđ, & nec̃ de ſurceſſer pur ceſt briefe.

I ¶ Et ſi voit paſſ. pur le pl̃ c̃ aſſ. de nouel diſſ. deuãt Juſt. daſſ. & deuãt q̃ ils done lour iudg. nouel Juſt. sõt faits p nouel cõmiſſ. dõq̃ le pl̃ c̃ laſſ. port ſuer vn certior̃ direct a ij anc̃ Juſt. de remoũ le record deuant les nouel Juſt. q̃ ils poient proceđ al iudg Et le forme del briefe eſt tiel. ¶ Rex dilect̃ & fideli ſuo E. ſal'. Monſtrauit nobis H. qđ cũ ipſe nuper arraiñ quãđ aſſ' nouel diſſ'. coram dilect̃ & fidelibus nr̃is H. de T. & B. nup Iuſt. nr̃is ad aſſ &c. aſſign̄ per br̃e nr̃ũ verſus R. &c. & alios &c. contentos, de ten̄tis in L. ac licet vos & p̄f. B. aſſ' illam ſcđm legem & conſuet̃ regni nr̃i cepitis, iudic' t̃n ſup veredicto aſſ. præđ p̄tex: u cuiuſđ commiſſionis nr̃æ, dilectis & fidelibus nr̃is I. de C. & I. de I. de oĩb⁹ aſſ. iuratis et certific' cor̃ã quibuſcunq; Iuſt noſtris in com̃ pređ per breuia nr̃a arraiñ, capiend̄ poſtmođ fact̃ adhuc reſtat reddẽd' in ipſius H. dãnum non modicum et grauaiñ, p̄ qđ' expediens eſt & neceſſe, qđ' p̄d' I. de C. & I. ſup record̃ & proceſſ. aſs. p̄d' coꝝ vobis & p̄f. B. habit̃, certiorent̄: vobis mand̄, qđ' rec' et proc' &c. tangentibus p̄f. I. de C. & I ſub ſigill' vr̃o diſtincte et aperte ſine delatione mittatis, et hoc breue. Mandamus enim I. C. & I. qđ' receptis et viſis rec' et proceſſ. p̄d', ad iudic' præd' ſcđm legem et conſuetudinem regni noſtri proceđant, Teſte &c.

¶ Et le party pl̃ c̃ poit ſuer auk̃ br̃e a les nouel Juſt. que quant le record eſt maundé a eux p̄ les aunc̃ Juſt. daſſ. q̃ ils l̃ receiuẽ & veier' le record &c. & donq̃ de proceđ al iudg. & le forme del briefe eſt tiel.

¶ Rex dilectis et fidelibus ſuis R. de C. et I. de I. Iuſt. ad aſſ. &c. aſſign̄ ſal' &c. Monſtrauit nobis H. &c. vſ. *vſque ibi*, coram dilectis et fidelibus noſtris I. B. et vobis præfat̃ I. de C. nuper Iuſtic' noſtris &c. de tenementis in L. et poſtmod' ad proſecutionem ipſius H. nobis ſuggerentum p̄fat̃. B. et vos præ-

fat̃

fat L.de C.aſſ.illam cepiſſe,et ad judicium &c.diſtuliſſe,mandauer̃ pf.B.qđ̃ recordđ̃ et ꝓceſſ. aſſ. p̃đ̃ coram eo et vobis p̃f. R.de C.habit̃ vna cum br̃i originali &c. vobis p̃f.R. de C. & L.de I.dilecto et fideli noſtro C.de L. poſtmodum Iuſtic' &c. aſſign̄ diſtinctè et apertè mitter̃, et breue noſtrum quod ſibi inde venerit,vobis et p̃f.R.de C.I.de I.et p̃f.C de L.p aliud breue noſtrum dederimus in mandat̃,qđ̃ receptis et viſis recordđ̃ & ꝓceſſ.p̃đ̃ ad judicium prędđ̃ ſcđm legem et conſuetudin̄ regni noſtri reddendđ̃ ꝓcederetis. Et licet idem B. recordđ'et proceſs.aſs.p̃đ̃ coram vobis p̃f.R.de C.I.de I.et p̃f C. de L.miſiſſet,judic' tñ aſs. p̃đ' adhuc reſtat reddendđ̃,in ipſius H. damnum non modicum et grauamen,nos ea de cauſa negotium prædđ̃ quatenus ſcđm legem & conſuet̃ regni noſtri poterit maturari volentes,et eidem H. vlterius inde fieri juſtitiæ complementum: vobis mandamus, quod vos vel duo veſtrum viſis & examinatis recordđ̃ et proceſſu prædđ̃, ad juſtic' prædđ̃ ſecundum legem & conſuetudinem regni noſtri reddendđ̃ procedatis. Teſte &c.

¶ Et ſur ceo ſi les Iuſtic̃ deferr̃ de doner iudgement, il puit ſuer Al', & apres vn Plur̃ direct a m̃s les Iuſt. vel cauſam nobis ſignificetis &c. ¶ Et ſi les Iuſtic̃ ne font r̃ ſur le Plur̃, ou ſe voit doner iudg. accord̃ al br̃e &c. ſi le pl' aña Attach. vs eux,quære, pur ceo q̃ ils ſont Iuſtic̃ de record̃. Mes vide le Regiſter ent̃ les br̃es de remou̇ record̃ pluſours br̃es de ꝓceder ad iudic̃ &c. de diu̇s formes. ¶ Et ſi chaplein de chaũtie port Aſſiſe de nouel diſ. vers auter chaplein pur fre, e le def. claim̃ m̃ le chaunt del collation le roy &c. & pri' que ils ne ꝓced̃ ſauns counſel le roy,ore ſi le def.ne puit mr̃e title en le chãt̃ pur le roy,il puit au̇ vn proced̃ direct as Iuſtic̃ daſſ.q̃ ils alet̃ al priſel d̃ aſſ.r̃ allegat̃ e collation le roy auãt fait niėt obſtant. Et il puit ſuer autiel brieſe ſou le def. pria ayd de roy en aſſ.p charter le roy, & ad ce grãt ſil ne puit mr̃e matt̃ en le chant̃, q̃ proue title pur le roy,le pl' auera ꝓced̃ q̃ ils ꝓced̃ al priſel del aſſ.ceſt alleg del chart̃ le roy nient obſtant.

¶ Et ſont diuers brieſes en le Regiſter direct as Iuſtic̃ daſſ. q̃ ils ne proced̃ en aſſ. vers le def. dummodo ſit in ſeruic' domini regis in guerr̃, mes de continuer eux, mes ceux briefez ſont faits p vertue de act de parliament de ceo fayt cõe ſemble, fait pur ceſt temps,come ſemble. Mes ſi le roy certifie per ſon brieſe as Iuſtic̃, q̃ les terres ſont en ſa cuſtodie p nonage daſcun heire per inquiſition p̃s et r̃ en ſon

Chanc̄, eux commaund̄ q̄ ils ne ꝓceēd̄ le roy nient counsel donqz semble q̄ les Justic̄ doient surcess. pur le temps, cō̄t q̄ nest asc̄ tiel office troue ne t̄, car ils sont tenus a doner loy al certificac̄ le roy, cō̄t q̄ il ne soit voier &c. Et en attaint pur le pl̄ fil soit ē seruice le roy en guerre, il puit purchas. bziek direct as Justic̄ de cōmon banke de continuer cē attaint, & de ceo adiozn̄ tanqz a certaine iour &c.

E ¶ Et en ass. de no. diss. si le roy maund̄ s̄ bzieke as Just. reherss. q̄ le def. tiēt le t̄re mis en view de done le roy p̄ t̄me de vie p̄ charc̄ le roy, commaund̄ eux q̄ ils ne ꝓceēd̄ le roy nient counsel oze cō̄t le teñt ne voit pled̄ t̄, il semble q̄ les Just. deuer' surceser p̄ ceste bziek. ¶ Jlsint si le roy reherss. en le bziek q̄ le t̄ est en son seruice en guerre ouster le mere, ou en Escoce, & q̄ il tient a terme de vie de grant le roy per charc̄, eux cōmand̄ q̄ ils ne ꝓceed̄ le roy nient counsel, mez de continuer lass. tanqz a certaine iour, la il semblt̄ q̄ ils surcess. car le t̄ ne poit t̄ pled̄ &c. car si leschetoz voile dire q̄ il ad seisi la terra in main le roy, en ass. pozt p̄ alcun person, t̄ court surcess. p̄ t̄ dit, & alozt̄ p̄ certific̄ le roy. Et diuers tielz bzieles sont en le Regiſter &c.

F ¶ En ass. de terres & teñts le def. pled̄ 2. ou 3. recozdes en barre a diuers ꝓcels le terre, les q̄ux sont en treasozie, & le pl̄ dedis. ceux recozds: oze le def. couient remouer ceux recozds hozs de treasoc̄ p̄ certiorar̄ direct al Treasurer et Chamberleins del Eschequer, Et si il sue tiel Certiorari al Treasurer & Chamb. & ils certifie al roy en Chanc̄ alcun de ceux recozds, & certifie ouster, q̄ sont auter roll̄ de m̄s les Just. de queux ils nont vnc̄ fait plene search, oze sur cel certific̄ en Chanc̄ fait p̄ le Treas. & Chamb. del eschequer, le roy mand̄ son bzieke as Just. dass. reherss. ceo certific̄ de Treas. & Chamb. eux command̄ de continue ceste ass. tanqz al ꝓchein ass. enluant, q̄ plein search puit este fait de ceux rec̄. Jlsint q̄ le t̄ ne soit en perd pur fait̄ d̄ les recozds & tiel bzieke est en le Regiſter.

G ¶ Et si home sue ass. deuant les Just. dass. & le t̄ pleda bastardie en le pl̄, sur q̄ bzieke est agard al Euesqz de certifie al pzochein ass. & deuant le pzochein ass. le Roy fait nouel Justic̄ & les auncient Just. certifie le recozd del ass. en le treasurie: oze le pl̄ couient saer certioc̄ a remouer cē recozd hozs del treasurie en chanc̄ p̄ bzieke direct al Treas & Chamberleines del Eschequer, & sur ceste recozd mis en l̄ chancerie il auera bzief de Mittimus maund̄ al Justic̄ dass.

reherss.

teherl ceſt matter,et en le fiñ del bꝛe ſerra ceſt cauſe. Nos vt ptibus p̃dict̃ in eadē aſſ.fieri valeat q'juſtum eſt,recordꝫ et proceſſ.p̃dꝫ placiti, quæ corā nobis in cancellaria nr̃a certis de cauſis venire fec', vobis mittimus ſub pede ſigilli nr̃i,mandãtes,vt hijs inſpectis, necnon certif.predꝫ Ep̃i coram vobis ſuper hoc,vt dicit̃,miſſa,ac recept̃ a vic' com̃ p̃dꝫ breui originali ejuſdē,qꝫ penes ip̃m remanet;ſicut p̃ inſpection eorūdꝫ recordꝫ, et proceſſ nobis cõſtat iter̃ in eadꝫ aſſ. juxta tenorē bꝛis et placiti predꝫ procedat̃,et eiſdem ptibus fieri fac' qd'de jure et ſecundum legem et conſuetudiñ regñ fuerit faciendꝫ. Mandamus enim eiſdem vic' qꝫ dictum breue nobis liberet ad proximam Seſſion veſtram in com̃ predict̃. Teſte &c.

¶ Et ſi home ſue Aſſiſe deuãt Juſtic̃ vers vn teñt,e in m̃ laſſ. il noſme le maire et comminaltie de aſcũ bill' com̃ diſſ. ou bail' daſcun liberty, come diſſeiſor al entēt q̃ il naũa counſel del plee, ou q̃ ils ne ferr' le panel &c. ore il poit ſuer eſpecial bꝛe en nature de Audit querel' **direct as** Juſtic' **daſſ. denqrer de t̃ matt̃,e de faire droit as pties.e ſi t̃ ſoit troũ, t̃ abatera laſſ.** Vide **le ſtat̃ de ceo** anno 9.H 4.ca.5. Et vide **ſemble ſtatute fait pur le Vicont** anno 11.H.6.cap.2.

¶ Mes le Vic̃ ou Baily counēt m̃re ceo matter al court et pꝛiera que il ſoyt inquiſe &c.

83 ¶ Breue de Quod ei deforceat.

BRiefe de Qꝫ ei deforc' **giſt en cas ou teñt in tail' ou teñt en dower,ou p̃ le curteſie,ou t̃ a t̃me de vie p̃ lour t̃reſp̃ default en act̃** Pręcipe qꝫ reddat **poꝛt vers eux, donqꝫ ils naũa auꝫ remedy ſils fuer̃ ſum̃ accoꝛd̃ al ley &c. mes ceſt bꝛ' de** Qꝫ ei deforc', **e ceſt bꝛ̃ eſt doñ p̃ le ſtat̃ de** Weſt.2.cap.4. **e le bꝛiefe eſt expꝛeſſ. en leſtat̃, et le ſoꝛme eſt tiel.**

¶ Rex vic' &c. Præcipe A. quod &c. reddꝫ B. quæ fuit vxor C. vnũ meſuagium cum p̃tiñ in N. quod clamat eſſe rationabilem dotē ſuam. *Vel ſic,* Qd' clamat eſſe de rationabili dote ſua, et quod idem A. ei injuſte deforc' vt dicit.

¶ Et ſi t̃ en frankmariage poꝛt le bꝛ̃, dõqꝫ t̃ bꝛ̃ ē, qꝫ juſte &c. reddat B. vñ meſuagium cum pertiñ, qd' clam̃ eſſe jus et maritagium ſuum, et quod idem A. ei injuſte deforceat.

¶ Et ſil ſoit teñt en taile, dõqꝫ le bꝛiefe eſt Qꝫ reddꝫ &c. qꝫ clamat tenere ſibi et her̃ de corpore ſuo exeuntib⁹ Et p̃dꝫ A. ei injuſte deforc'.

¶ Et pur tenant a terme de vie le bꝛiefe eſt, Quod clam̃

tenere ad termiñ vitæ ſuæ. ¶Vel pur le t̄ per le curteſie, Q̄ clamat tenere per legem Angliæ.

¶Et le Regiſter ẽ, q̄ cẽ bꝛief pur tenant p le curteſie eſt p lequitte del ſtatute, mes ſi le tenant en taile, ou auẽt tiel t̄ q̄ ad pticular eſtate pde per default ſou il ne tuit ſaũ ꝛc. donq̄ il poit auer bꝛief de Diſceit, ou Q̄d ei deforc' a ſon pleaſure.

E ¶Si home perõ p default en bꝛief de Waſt ſue vers luy, il naũa Q̄d ei deforc' pur le verdict q̄ troue le Waſt ꝛc.

¶Et ſi home perõ p default en Court baron en bꝛief de Droit aſẽ terre, il poit remoũ ceſt recoꝛd en common bank, & aũa bꝛiefe de Quod ei deforceat ſur reẽ, et iſſint il auera le Quod ei deforceat, coũẽt que il ne remoue le recoꝛd, mes donq̄ il ſemble q̄ le Quod ei deforceat ſerra ſue in common bank, ou en la Court baron, lou il perde la terre a ſon pleaſure, Tamen quære.

F ¶Et le Quod ei deforceat giſt vers eſtrange al reẽ, coũ ſi home reẽ per default, & faut feoffement, le Quod ei deforc' ſerra poꝛt vers le feoffee.

¶Et ſi feme perde p default, & pꝛiſt baron, ei et ſa baron auera le Quod ei deforceat, mes ſi tenant en taile perde p default & deuie, ſon heire nauera le Quod ei deforceat, mes Formed', car ceſt ſon bꝛiefe de Droit.

G ¶Ou feme ad doũer a luy aſſigñ en le Chanc̄ p nonage iheire q̄ eſt en gard le Roy, & puis iheire ai pl' age ſue Scire fac' en Chanc̄ vers la feme de auoiõ ceſt endoũm̄t, & recoũ en ceſt Scire fac' p default la feme, oꝛe la feme aũa Quod ei deforceat en common bank ſur ceſt recouerie.

¶Et iſſint ſi home reẽ en bank le Roy p default aſẽ tre ſur Scire facias ſue hoꝛs de aſcun recoꝛd q̄ eſt la, le teñt que perde per default auera ſon Quod ei deforceat, et ſuer ceo en common bank.

H ¶Si ij. coparceners teñts en taile perõ per default, ils ioinõ en vn Quod ei deforceat, et vncoꝛe le default iun, nuſt le default de lauẽ. M. 46. E. 3.

I ¶Et en Præcipe q̄d reddat ſi le t̄ a t̄me de vie ou en taile appere, & apꝛes depart en deſpite de Court, il perde ſa terẽ, & vncoꝛe il aũa Q̄d ei deforceat: car ceſt reẽ eſt p ſ̄ default, pur ceo que il ne appere, quant il eſt demand.

¶Et ſi t̄ en taile ou a t̄me de vie apꝛs le mis ioiñ en bꝛe de Droit depart en deſpite del Court, il perdꝛa la terre, & la il nauera Quod ei deforceat, pur ceo q̄ iudg. final ſerra doñ vers luy en ceo caſ.

¶Et

¶ Et si barõ & feme sont seisies en droit la feme pur tẽ A
de vie la feme, & ils perd̃ en Plee' quod read̃ per default,
vncore ils auera Quod ei deforceat &c.

¶ Et si f a tẽ de vye perde sa terre en Cess. pour dz iuy,
& ceo per default, vnc̃ il auera Quod ei deforceat per cest
stat̃ de Westm̃ 2. ch. 5. Ed. 3. & M. 6. Ed. 3.

¶ Et si f preiceit sur default le f a terme de vie appere, B
& c̃ resceu, et plede, & puis perde per action tric &c. vnc̃ le f
a tme de vie auera Quod ei deforceat, car le iudg. est doñ
vers iuy per son default. ¶ Et si f vouch & le vouchee ne
voit appere, per que le f perd̃ per default le vouch ore est a
veier si le f auera Quod ei deforc' car il perd̃ per default la
terre, coment que il ne soit son default dem̃, car le stat̃ est, &
cum temporibus retroactis cum aliquis emisisset terram su-
am per defaltam, non habeat aliud recuperare quã per bre-
ue de recto: et la il ne dit per defaltam suam, mes solement
p default. Mes apz en le Stat̃ il dit. Prouisum sit, quod
de certo non sit corũ defalta eis ita præjudicialis &c. Et per
ceo il semble, q̃ le f conient faire default, mes il semble que f
def. le vouch. est le def. del f, & issint def. en ambd̃, Quære de
ceo. Mes si le f vouch. et le vouchee appeare et enter en le
garr̃, & puis perd̃ per default: ore si le f perd̃ per default le
vouch. il nasta Qd̃ ei deforc', pur ceo q̃ il auera iudg de re-
coũ en value per default le vouche vers le vouch, issint q̃ il
aũa recompence. Mes si le vouch ne vnqz appere, mez fayt
default, vnque il perd̃ la terre p default le vouch: mes ceo
default del f, et Ideo quære de ceo case.

¶ Et si baron & fẽe perd̃ per default la terr' la feme q̃ el C
tient a terme de vie, si le bar̃ deuie, el nauera Quod ei deforc'
mes Cui in vita, car cest come vn demise fait per le bar̃. Et
quant il poit le Quod ei deforc' il coũt q̃ il fuit seisi de terr̃
&c. en son demesne come de frankf, ou en son dem̃ come de
fee taile, sans mẽe de q̃ iesse ou de q̃ done il fuit seisi, & il co-
uient iper les espleez en iuy m̃ &c. et donque le def. coupent
defend̃ le droit le dõ &c. et mẽe coment il auterfoits recouer̃
vers le demaund̃ per Formd̃ ou auter action, et dirra en le
fine de son plee, quod ipse paratus est ad manutenendum
jus & titulum suum prædict̃ per doñ predict̃ &c. Vnde petit
judic' &c. Et donqz le dõ en le Quod ei deforceat trauers.
cest title, ou pout mẽe matter de barr' cest title &c. mes il ne
ferr' defence: & donque de pledr' en barre come il ferroit ẽ
le formedon &c.

non quod ei deforc
sed tui in vita
p' mortem [illegible]

85 ¶ Breue de Attornato faciendo vel recipiendo.

BRcue de Attornat̃ fac̃ vel recipiend̃ **gist en case ou home deuer̃ faire suit al com̃, ou al hundred̃, ou wapentake, ou auter Court, et il voil̃ faire attorney pur luy dapperer a m̃ le Court &c. Et sil soit en doubt, si le viĉ voil̃ admitte tiel home pur son attorney que il fait, donqz il q̃ voyle faire tiel Attorney poit suer cest bre̅, direct al viĉ ou bayle del hundred̃, eux commaund̃ de resceiuer tiel home pur estre attorney pur luy dappeat̃ &c. et le briefe est tiel.**

¶Rex Vic' &c. Quia per cōmune consil' regni nr̃i ꝓuis. est qd' quilibet liber homo, q' sect̃ debet ad com̃, tithingū, hund̃, et wapentagium, libere possit facere attorn̄ suū ad sect̃ suā ꝓ eo faiend': Tibi prec' qd̃ attorn̄, quē S. loco suo attorn̄ voluer̃ ad sectā ꝓ eo faiend̃ ad com̃ tuum pred̃, tithinga tua de A. et B. hundred' de C. et D. wapentag. tuum de E. et F. loco ipsius S. sine difficultat̃ ad hoc recipias. Teste &c.

¶Alit̃ as Bail̃ de hund̃, *sic.* ¶ Rex balliuis suis de hundredo vij. hundred̃ de Cobbam et Bray sal'. Quia per commune consil' regni nr̃i &c. q̃ sectam debet ad hundred̃, libe r̃ possit &c vobis prec' qd' attorn̄ &c. ad p̃d' hund̃ vij hund' de Cobbam et Bray loco ipsius S. &c:

¶Aliter Balliuis **dauk̃ s̃r̃.** Rex ball' A. de I. sal'. Quia per com̃e consilium &c. qui sectam debet ad cur̃ dicti dn̄i sui libere possit &c. vobis precipimus &c. ad Cur̃ dicti dn̄i vestri de I. loco ipsius S. sine difficult̃ ad hoc recipiat̃. Teste &c.

¶Et p ceo appiert, q̃ le t̃ poit faire vn Attorney per sez letters patents de faire suit al Court son s̃r̃, si le t̃ per sez letters patents south son seale fait attorney pur luy de fait̃ suit al court le s̃r̃, ou al hund̃, t̃ les bailies ne voil̃ admitt̃ luy &c. donques il auera briefe a eux en tiel forme'

¶ Rex balliuis decani et capitul' eccleſiæ beat̃ Mariæ Linc' de C. vel hund̃ de S. sal'. Quia &c. *vsq; ibi*, præcipimus, quod attorn̄ quem S. per literas suas patentes loco suo attornat̃ voluerit ad sectam pro eo faiend̃ ad Cur̃ dictorum decani et cap̃ de C. vel ad hūd̃ predict̃ decani et capitul' de C. loco ipsius S. sine difficultate ad hoc recipiatis hac vice de gratia nostra spec' &c.

¶Et pur le gardein est auter briefe tiel.

¶Rex &c. Vobis mandamus, quod atturnat̃, quem S. custos terræ et her̃ R. loco suo attornat̃ voluerit ad sectam pro eo nomine dicti hæred̃ faiend̃ &c. loco ipsius custodis sine difficultate ad hoc &c. vel sic balliuis reg. Rex balliuis suis

honoris

honoris Peuerel in com̃ N. salutem. Quia &c. vobis precipimus, quod attorn̄ quem S loco suo attorn̄ voluerit ad sectam pro eo faciend̄, ad cur̄ nostram honoris predict̄ in com̃ pred̄ loco ipsius S. recipiatis &c.

¶ Et si les tres dascũ ten̄ sõt en gard le roy per nonage son heire, pur ẽ que il tient de luy auks terres en chiefe &c. & les auters sñrs voyle distr̄ par suit durant le temps que les tres sont en maines le Roy, ou en les maynes le committee le roy &c. donqz le roy, ou son committee auera especial bzieue al bailies de tiel sñrs, q̃ ils ne distr̄ l' committé, ne en les tres &c. durant le tẽps q̃ il est en maines le roy, ou en maines de s̃ committé. Et sils aũa distr̄ &c. q̃ ils deliuer le distr̄ arere &c. Et cest bzieue appiert p le Regiſter. M

¶ Et si le roy ad le gard dascũ terres ou ten̄ts durant le nonage dascun enfant, & le roy en chauncery assigne dower al feme le baron, que suit pere ienfant, des terres tenus dauters seigntozs: ozc, si les auters sñrs voit̄ distr̄ le ẽ dower pur suit a lour Courts durant le temps que les terres sont en maines le Roy, la feme aũa bṽe as baylies des sñtozs, eux commaund̄ q̃ ils ne luy distr̄ &c. Et reher̄ en le bzieue tout cest especial matter. Et sils ont pzis le distr̄, que ils ceo redeliuer̄ &c.

¶ Et si home fait attozney de faire suit pur luy al com̃, ou hund̄, ou aut̄ court, & les baylies ne voit̄ luy admitter pur son Attozney, ou si les baylies luy admit̄ pur Attozney, et puis ils luy discharge aps lan &c. surmittant q̃ il ne deuer̄ continue attozney pur le partie ouster vn an, ou pur auter cause nient reasonable, ils luy discharge destre attozney pur le partie, donque le party poit aũ especial bṽe direct as baylies &c. eux commaund̄ q̃ ils luy res̄ pur son attozney, & sur ceo il poit aũ Al' & Plur̄ & Attachment vs eux retoznable en common banke, ou en banke le Roy, sils ne voit̄ luy admitter pur son attozney, ou retozner cause lur le Plur̄ que serra allowable, pur que ils ne admitte luy &c. et la fozme del bzieue est tiel. B

¶ Rex balliuis A. de hundredo de B. salutem. Et parte C. nobis est ostens̄ũ, quod cum ipse per breue nr̄m attornatum suum ad sectam pro eo faciend̄ ad hũdred̄ p̄d' domini vestri de B. in eodem hundredo coram vobis feciſſet, et idẽ attornatus per idẽ breue ad hoc admiſſus, sectam illam hactenus fecerit, ſicut moris est in regno nostro, vos presumptioni vestræ voluntarie innuentes, et causam pendentes, quod

potestas

potestas hm̃di attornati vltra añ durare non debet, ipsum C. prędict̃ sectam per attorñ suum p̃dict̃ facere non permittitis, in ipsius C. dampnũ non modicum & grauamen, de quo miramur quamplurimum, & mouemur. Et quia virtus breuium nostrorũ de huiusmodi attornat̃ faciend̃ terminũ non capit, nec terminus limitatur durantibus p̃son', quæ ad hoc requiruntur: Nos ne idem C. vel alij indebitè vexentur vel grauentur occasione p̃d̃, remedium sup̃ hoc adhibere volentes: Vobis præcipimus, firmiter iniungentes, qd̃ ab hm̃di voluntarijs & indebitis vexationibus & grauaminibus eidem C. vel alijs ea occasione de cætero inferend̃ desistentes, ipsum C. sectam p̃dict̃ per attornatum suum p̃dict̃ sine difficultate qualibet facere permittatis, iuxta tenorem prioris breuis nr̃i vobis inde directi. Et ita vos habeatis in hac parte, qd̃ prædict̃ C. occasione prædict̃ non ponatur in defalta, nec in aliquo sit perdens, et qd̃ non oporteat nos super hoc amplius sol̃icitari, per qd̃ manum ad hoc aliter apponere debeamus, Teste &c.

C ¶Et nota, que le party poit faire Attorney p̃ brief le Roy direct al baille, eux commaund̃ de receiuer tiel person pur son attorney, ou il poit auer brefe hors de Chancery direct as bail ou vic̃ de receiuer ascun tiel person pur attorney, que il voile p̃sent̃ as dits baylies ou viconts destre son attorney de fayre le suit, ou il poyt fayre attorney p̃ ses letters patents direct as dits baylies sans sucr ascun br̃e.

¶ Mes si hõe sue brefe direct as bailies de admitter vn pur attorney que il voyle fayre deuaunt eux, & les baylies refuse de luy admitter: ore le partie que sue cest br̃e, auera Attachm̃t vers les baylies pur ceo refusel, sans sucr ascun Alias ou Pluries a eux direct.

¶ Et issint semble mesme le ley si le tenant per ses letts patents fait vn son attorney de fayre le suit pur luy, et le Vicont ou baylie del court refuse de admitter luy pur son attorney: ore sur cest refusal, le pty aũa br̃e de Attachment vers les baylies, coment q̃ il ne auer sue ascun brefe a eux direct auant, pur ceo q̃ ils sont encõter le Statute, q̃ voit, que ils admittera cesty pur attorney q̃ le tenant voit fayre destre son attorney.

D ¶Et il auera autiel brefe vers les bailies dascun seignior que refuse de admitter Attorney, pur faire le suit pur le tenant en ascun Court baron, & ceo brefe appiert per le Regist̃.

86 ¶Breue pro Exoneratione ſectæ ad Curiam Coñ vel Baroñ.

CEſt bꝛe giſt lou tenant tiēt ſon fre de faire ſuit al County Court ou Hundꝛeḋ, ou al aut̄ Court Baron &c. ou al Wapentake, ou al Lœte &c. et ceſty q̄ deuē faire le ſuit eſt en gard le Roy, ou de ſon committ̄ee, & le ſñr de q̄ il tient p tiel ſeruice, voit luy diſtr̄ pur faire le ſuit a ſ̄ Court durant ceſt tēps q̄ il eſt en gard le Roy, ou de ſ̄ cōmitt̄ee, ſon gardein ſuē ceſt bꝛe direct al Viē, ou as bailies del Court, q̄ ilz ne luy diſtr̄ &c. de faire le ſuit durant le tēps q̄ il eſt en gard le Roy &c. ou de ſon committ̄ee, & la ſoꝛme del bꝛief eſt tiel.

¶Rex balliuis A. de I. ſaluṫ. Cum ſecund̄ legem &c. non debeamus ſectam ad Cur̄ alicuius facere occaſione terrarum & tenementorum quorumcunque in manu nr̄a, vel in cuſtodia noſtra exiſtent̄, & illi quibus huiuſmodi cuſtodias commiſerimus, cuſtodias illas durante cuſtod̄ illa adeo libere & ab omni ſecta quiete tenere debeant, ac ſi nos eas in manu nr̄a teneremus: Vobis præcipimus, qd̄ ratione terræ & ten̄torum I. defuncti, qui de nobis tenuit in capite, & quę ſunt in cuſtodia eiuſd' R. ex conceſſione nr̄a non diſtringatis, vel diſtring. faciatis, ad faciend̄ ſectā ad Cur̄ p̄d̄ dñi veſtri de I. dur̄ cuſtodia antedicta, & diſtr̄ ſi quam &c.

A

¶Et ſēble bꝛief ſerra pur f̄ en dower, lou el eſt endow en Chanc̄ des fres en gard le Roy &c. les q̄ux fres ſont tenus dauters ſñrs, oꝛe ſi les auters ſñrs voit diſtr' le f̄ en dower, pur faire ſuit pur ceux fres q̄ el iſſint tiēt ē dower, el auera bꝛieue de luy diſcharge, q̄ eſt tiel.

B

¶Rex ball' A. de B. ſalutem. Cum ſecm̄ legem &c. *vt ſupra, vſque ibi*, exiſtentes, & mulieres terras vel ten̄ta tenentes in dot̄ de hm̄di cuſtodijs, ea adeo libere & ab omni ſecta quiet̄ tenere debeant dur̄ cuſtod̄ illis, ac ſi p̄dict̄ terras et ten̄ta in manu nr̄a teneremus: Vobis p̄cipimus, qd' M. et R. vxor̄ ejus occaſione terrar̄ et tenementorum quæ ſuer̄ H. in F. q̄ de nobis tenuit in capite, et quæ idem R. & M. tenent in dotem ipſius R. de dono p̄d̄ H. quondā vir ſui, & de hereditate filij & hered̄ A. infra etatem et in cuſtod̄ noſtra exiſten̄, non diſtringatis ad faciend̄ ſectā ad cur̄ p̄d̄ dñi veſtri' durante cuſtodia noſtra ſupradicta, et diſtr̄ &c.

¶Et ſi iheire ſoit en gard le Roy, & ſes fres auxy, & puis les tenants paraunſile que teigne del dit heire, ſont diſtr' p auters Seignioꝛs, de que le dit heire tient parcel de ſes teries

terres de faire ſuit al court le ſeign̄, oꝛe ceux teñts auera bꝛe direct al bailie del dit Seignioꝛs, de eux diſcharger del dit ſuit, et le bꝛiefe eſt tyel. ¶Rex vic' Noſ ſaluſ. Cum ſecundum legem et conſuet̄ regni nr̄i, nullus q' tenet de hered̄ infra etatem et in cuſtodia nr̄a exiſtent̄, teneatur ad ſectam faciend̄ ad com̄, hundr̄, wapentag. ſeu alias cur̄ pro terris et teñtis ipſorum hæred̄ in manu nr̄a exiſtent̄, durant̄ cuſtod̄ ſupraď: Tibi præcipimus, qd' Abbaſ de Derley tenent̄ quorundam terrarū & tenemẽtorū Rogeri filij & hæred̄ Rogeſ Bellers deſuncti in Chilwell', qui de Dño Ric' nuper Rege Angl' tenuit in capite, occaſione terrarū et teñtorum ejuſd' hered̄ in eadem vill' in manu nr̄a ratione minoris ætaſ ſuæ exiſtenſ non diſtring. vel diſtr̄ facias, ad faciend̄ ſectā ad wapentagium de B. durante cuſtodia ſupradicta.

C ¶Et ſi ihẽ ſoit en gard̄ le Roy & ſes terres, pur terres tenus en chiefe de roy, & puis les auters ſñioꝛs de q̄ ihẽ tient pcel de ſes terres voit̄ diſtr̄ pur aſcū ſeruice ou rent a cux deſtre due, donques le Roy ou ſon comitee poit ſuer bꝛiefe de Surceſſ. de tiels diſtr̄ &c. Et le bꝛiefe eſt tiel.

¶Rex balliuis &c. Cum hered̄ infra ætatem et in cuſtodia noſtra exiſtentes ſeruitia aliqua durantibus cuſtod̄ illis facere minime debeant ſeu teneantur ſcd̄m legem et conſuet̄ regni nr̄i: Vobis pręcipimus, qd' diſtrictioñ, quam Abbati de W. tenenti hæred̄ Willihelmi de W. qui de nobis tenuit in capite infra ætaſ et in cuſtod̄ noſtra exiſtenſ pro homag. fidelitaſ, ac alijs ſeruicijs predict̄ hered' pref domino faciend̄, fac' ſuperſedeatis omnino durante cuſtodia antedicta, et diſtr̄ ſi quam &c.

¶Et auxy le teñ en dower auer' autiel bꝛe, ſi les bailies des auters Seignioꝛs voit̄ diſtr̄ luy pur reliefe iheire ou pur auters ſeruices durant le temps q̄ les terres ihẽ ſont en le cuſtodie le Roy, ou de ſ̄ committee. Et il ſemble que il puit ſuer ceſt bꝛiefe deſtre direct al Sñioꝛ meſme ſibien come a ſes bayliez, ou as ambideux.

D ¶Et nota, q̄ ſi home tiēt de auter de faire ſuit a ſ̄ molin &c. ſil ne fait le ſuit, il añs bꝛe de Secta ad molendiñ vers luy. Et per m̄ le reaſon, ſi home tient dauter ſñioꝛ de faire ſuit a ſon court de ſon manoꝛ de D. ſil ne fait le ſuit, que le Seignioꝛ poit auer bꝛe de Secta ad cur̄ ſuam fac', ſibū come lauter bꝛe. Mes vncoꝛe tiel bꝛ neſt en le Regiſter, pur ceo que il poit diſtreine pur ceo ſuit, et nauera auter pꝛofit mes ſolement apparance en ſa Court. Mes en lauter caſe de

ſecta

ſecta ad molend', il auera auters profits p le ſuit, s. le tolle del grane q̃ il molet̃ la. Et pur ceo profit ſemble q̃ ceſt act̃ de ſecta ad molendiñ fuit done, & nemy pur le ſuit a court, mes ſolemt̃ diſtrain̄, Tamen quære.

¶ Et ſi le roy ad terres per forf. ou p eſchete, et puis eux A
ieſſe a terme de vie, ou volunt, ou autrem̃et en taile, & ſi le ſeignior q̃ ils ſuer' ten', voit' diſtr' pur ſuit ou autres ſeruices le committe le roy, ou ſon leſſee, il a un eſpecial brief as bail' del dit Sñr de ſurceſſ. &c.

¶ Et ſi terres diſcend̃ a diuers coparceñs, p q̃l vn ſuit ſerra fait al court le ſñr, & ſi parcel de ceux terres veigñ al mains le roy, donqs il añ a eſpet̃ brief de luy diſcharger del ſuit pur ceo temps, que ſerra tiel.

¶ Rex vic' &c. ſalut̃, Cum de cõmuni conſilio regni nr̃i, p-uiſ. ſit, qd̃ ſi hæred̃ aliqua, de qua vnica ſecta debeat̃, ad pluꝝ hered̃ &c. vel ad alios per venditioñ &c. deuoluatur: vnica m̃ &c. fieri conſueuit, ac quedã hæreditas, q̃ fuit H. de B. de baronia de B. de qua q̃dẽ baronia vnica ſecta tantũ ad com̃ tuum p̃d̃ debet̃, ad dilect' & fidel' nr̃m W. de H. & I fil' & hæred̃ R. de S. infra ætat̃ & in cuſtod̃ dilect̃ & fidel' noſtri R. de N. ex cõmiſſione nr̃a exiſten̄, per venditionem ſit deuoluta vt accipimus: Noſque ſcd̃m legem & conſ. &c. non debeamus ſectam aliquã facer̃ occaſione ter̃r̃ et ten̄t̃ in manu nr̃a, & in cuſtod̃ nr̃a exiſtent̃, & illi q̃bus huiuſmodi cuſtod̃ cõmiſerim⁹, illas adeo libere & ab omni ſecta quiete tener̃ debeant, ſicut nos ea in manu nr̃a tenerem⁹: Tibi præc', quod ſita eſt, tunc nõ diſtr̃ p̃d̃ W. de H. ad fac' ſect̃ ad com̃ tuum p̃d̃ p̃ tris & ten̄t̃ de baronia p̃d̃ dur̃ cuſtod̃ dicti hæredis ſuprad̃ &c. ¶ Et ſi fee ſoit t en dower dale terre, el ne ſerra diſtr̃ pur faire ſuit pur ceſt tre q̃ el tient en dower, ſi lheire ad terre ſuffiz̃ en meſme le countie deſtre diſtr' pur ceſt. Et ſi el ſoit diſtreine, donqs el auera tiel brieſe.

¶ Rex Ball' hundred̃ de N. ſalut̃ &c. Cum ſcd̃m legem et B
conſuetud̃ regni noſtri mulieres tenentes in dotem p̃ terris & ten̄tis ſuis, quas tenent in dotem, ſect' ad hundred̃ vel cur̃ alicuius facere non debeant. Vobis præcipimus, quod A. que fuit vxor B. ad faciend̃ ſectam ad hund̃ prædict' pro terris & tenementis q̃ tenet in dotem de libero tenemento quod fuit præd' B. quond' viri ſui, contr̃ legem & conſuetud̃ regni noſtri non diſtringatis, dummod̃ hæred̃ præd̃ B. alias terras & tenem̃ta in balliua tua habeat, per que diſtringi valeat ad ſectam illã p̃ præd̃ dote faciend̃, et diſtricc' ſi quã

feceris

feceris &c. eam sine dilatione liberari facias &c.

C ¶ Et si tres discend' as pluisours copceñs, dõt vn suit deuer̃ estre fait pur tout la tre: ore si le tre soit ten⁹ de Roy, dõqz touts les copẽ deuera faire le suit sibñ aps ptiẽ come auãt. Mes si la tre soit ten⁹ dauť sñr, donq̃s cesty copẽ ou son fesfee q̃ ad le pte leignñ soer tra le suit solement. Et si le sñr voit distr' les auters coperẽ, ils auera bziefe vs luy, ou direct a luy ou a ses bailies de eux discharger de cest suit, & distr' fait &c. & le bziefe serra tiel. ¶ Rex C. vel bail' C. salut' &c. Cum de communi &c. ꝓuisum sit, qđ si hæreditas aliqua, de qua vnica secta tanť debeať, ad pluŕ hæŕ participes eiusđ hæred' vel al' per vend' seu alio mod' deuoluatur, vnica tanť fiat secta ꝓ hæreditate illa, sicut prius fieri consuevit, ac quędam hæŕ quę fuit A. in N. ꝓ qua vnica secť tm̃ debeť ad curˉ tuã de I. vel ad curˉ prędicť domiñ vestri de I. ad A B. & C. cõhæred' et ꝑticipes hered' ꝑd' sit deuoluta, vt accepimus: Tibi vel vobis prędcipimus, quod nõ distringas vel distringatis, prædˉ A. B. et C. ad diuersas secť ꝓ portionibus suis hæreditˉ ꝑd' seperatim faciend' ad curiam tuam de I. vel ad curˉ prædˉ dñi vestri de I. contra formˉ ꝓuis. ꝑd', et districtionẽ si quam &c.

D ¶ Si le tenť enfeffe diũs ꝑsons de terre, pur q̃l vn suit deuera estre fait, ore si lun des fesfees fait le suit &c. si les auťs fesfees sont distr' pur faire suit ꝑ ẽ terre, ils añ a auters bziefe, le q̃l bziefe ẽ le Regist, Et cẽ bziefe ẽ doñ p̃ statute de Marlebridge cap. 9.

¶ Et iſſint si les heires ou fesfees serra suit al courtie, hund', ou wapentake, si lun fait le suit, touts sont discharges. Et silz sont distr' ils auer' cẽ bre ¶ Et iſſint si iñ copceñ fait fesfm̃t de son part, ou home soit tenť ꝓ le curtesie de vn part del terre, vnẽ vn suit serra fait solem̃t per lun copcener, s. cesty q̃ ad leignñ part. Et sils sõt ieũt fesfees, &c. donqz ꝓ lun de eux, come ils poient agree entr̃ eux meismes &c. Et sil sue tiel bziefe, & il soit distr' apres, donqz il auera Attach. vs le sñr ou les bailies, as q̃x le ꝓmñ bziefe fuit direct de respondre a cest contempt, en q̃l bziefe il recouũa les damages &c.

E ¶ Mes si sont ij. copceñs de tre, pur q̃l vn suit deuer' estre fait, & leignñ soer ne voit faire le suit al court le sñr cõe el deuer', donqz le sñr poit distr' les auťs copẽ sibñ come leignñ copẽ pur cẽ suit. Et si les auťs copceñ sont distr', donque eis añ a bziefe vs leigne soer de compell' luy de faire le suit,

et

et le bꝛiefe ſerra tiel. ¶ Rex vic' &c. Si B. et C. fecerint &c. tunc ſum̃ &c. A. qd' ſit &c. oſtenſ. quare cum de communi &c. quod ſi her̃ aliqua &c. *vſque ibi* conſueuit, et quod illa quæ habet enitiam partem &c. ac quædam hæred' &c. *vſque ibi*, ſit deuoluta, vt accepimus & prædict̃ A. habet partem hęradit̃ illius. Et p̃fat' B. et C. parat' ſunt contribuer̃ ꝓ portioñ ſuis ad ſectam illam faciend'. Idem A. ſectam illam pro ſe et præfat' B. et C. ad cur̃ præd' fecere contradict', ad graue dãnum ipſarũ B. et C. et contra form̃ ꝓuiſioñ pred' vt dic', et habeas ibi ſum̃ &c.

¶ Et ſi home ad terres en diũs lieux en le com̃, & ẽ diũz lẽts &c. ou hund, & il eſt diſtr̃ de bener al lẽte, ou al turñ de vic̃ en aſ̃ lieu lou il eſt demur̃ & conuerſant, mes eſt demur̃ deins le pꝛecinct dauter hund ou lẽte &c. donqꝫ il aucra bꝛief al vic̃ de luy diſcharg. de beñ al turne le vicount, ou al hund, ou lẽt, ou auk lieu, q̃ deins le lẽte ou p̃cinct del hund deins q̃l il eſt demurrant, & le bꝛief eſt tiel.

¶ Rex vic' Wigorn̄ ſal'. Cum de cõmuni conſilio regni nr̄i ꝓuiſ. ſit quod ſi qui in diuerſis hundred' habeant teneme̅ta, non habeant neceſſe venire ad turnum vic', niſi in ball' vbi fuerint conuerſantes: Tibi præcipimus, quod non diſtring. S. ad veniend' ad turnum tuum in hundredo noſtro de I. cõtra form̃ ꝓuiſ p̃d' &c. Et vide le ſtatute de ceo, Marl. c. 10 p q̃ appiert, q̃ le vic̃ deuer̃ tener ſez turnes cõe il ad vſe en tẽpz Vic̃ 1. & John roy Dengl'.

¶ Et p ies bꝛiefs ſẽble, q̃ il tenera ſes Turnes en cheſ̃ hundzed &c. Et ſi le vicont diſtr̃ encounter ceſt ſtatute aſ̃ home, donqꝫ il puit ſuer ceſt bꝛiefe ſur le ſtatute &c. Et ſil luy diſtr̃ ayꝛes, donq̃s il aucra Attachm̃t vs luy q̃ eſt vic̃ &c. Et le bꝛief eſt tiel.

¶ Rex Coronatoribus ſuis in com̃ Lincoln̄, ſalut'. Si A fecerit &c. tunc ponite &c. B. vic' nr̄m com̃ præd', quod ſit &c. oſtenſ. quare cum de cõmuni conſilio &c. *vſque ibi*, conuerſant', idem B. vel idẽ vic' diſtrinxit p̃ſ. A. ad veniend' ad turn̄ ipſius vic' de hundred' nr̄o de I. contra form̃ ꝓuiſ. p̃d', & cõtra form̃ mandati noſtri prius ei inde direct' vt dic', et habeatis &c. Et aueria ipſius A ea occaſione capta interim deliberari faciatis, Teſte &c.

¶ Et ſi hõe ad terr' deins le pꝛecinct de diuers Lẽts deins vn countie, & ſil ẽ demurrant deins le pꝛecinct de vn de eux, & il eſt diſtr̃ a beñ al auk lẽte, deins q̃l p̃cinct il neſt demurrant, donqꝫ il aũa bꝛe al vic̃, ou as bauk del court &c.

que

que il luy distr̃ a vener a cest Leete, deins le pzecinct de q̃l il nest demurrant, & le bziefserra tiel. ¶ Rex ball' ſuis honoris de C.in com̃ Lincolñ, *Vel*, ball' A.de B.in com̃ &c. sal', Cum de com̃muni consilio &c.si qui in diuers. hundred &c. non habeant necesse venire ad vsum franc' plegij, nisi in ball' vbi fuer conũsant: Vobis præc', quod non distringat ad veniẽd ad vsum franci plegij in cur̃ vestra, vel in cur̃ dn̄i vr̄i honor̃ p̄d in com̃ præd, cont̃ form̃ &c. et districtioñ si quam &c. ¶ Et il appiert, q̃ si le ptie soit distr̃ aps q̃ ad sue bziefdirect al bir̃ ou al bail', q̃ ils ne distr̃ luy &c. q̃ il aũa attachm̃t vers eux, mes il semble reasonable, que al pzimes il aũa attach. vers le bir̃, ou vs les bail' q̃ luy distr̃ a ven̄ al Leete en le hund̄ lou il nest demurrant, si il soit demurrant deins le pzecinct dauk Lẽt, pur ẽ que le statut de Marleb. est vn phibic̃ en luy mesm̃, & cesty q̃ fait encountr̃ le stat, fait tozt al ptie, sur q̃ il poit suer attach. sans ase bziefsue auant &c.

C ¶ Nota q̃ homes ou femes de religion ne deuer̃ vener al Turne de vicont, ou al Leet de ascun auter, sans graund cause. Et silz sont distr' pur vener a eux, ils poient aũ bziefhozs de chancery de eux discharger, que serra tiel.

¶ Rex vic' &c. Cum de cõmuni consilio &c. qd̃ viri religiosi non habeant necesse venire ad turnum vic' &c. *vel sic*: ad visum franci plegij, nisi eorum presentia ob aliquam causam specialiter exigat: Tibi precipimus, quod non distring. Abbat̃ de I. ad veniend̃ ad turnum tuum, *Vel sic*: ad visum franci plegij, in hundred̃ nostro de F. contra form̃ prouisionis p̄d, et districtionẽ &c.

¶ Et Abbe auera autiel bziefdirect al baillies dauk sr̃, que ils ne luy distrain̄ de vener a son Leet &c.

¶ Et per la cõen ley les psons des esgl ne serra compell' ne distrain̄ de vener as Lẽts le roy, ou des aukes sñiozs, pur leur terres annexes a lour esgl &c. Et sils sont distr̃ pur ceo faire, ils auer̃ tiel bziefe. ¶ Rex vic' &c. Cum scdm consuetud̃ regni nr̄i psone ecclesiastici rõne terr̃ & tenẽtorũ suorũ eccl'is suis annex. venire non debeant ad visum franc' pleg. in cur̃ nr̄a, vel aliorũ quorumcunque: Tibi p̄cip̄, quod C. psonã eccl'iæ de I. ratione terrar̃ et tenẽt suorũ eccl'iæ p̄d annexorum, ad veniend̃ ad visũ franc' pleg. in hundred̃ de N. non distringas contra consuet̃ p̄dict̃, & districtionem &c.

D ¶ Et Clerks q̃r ne sont parsons, ne auer̃ benefices, ne serr̃ distr' ou compell' de vener as turnes ou leets, mes ils auera bziefde eux discharger, que sera tiel.

¶ Rex

¶ Rex vic' &c. Cum perſonæ eccleſiaſticæ non habeãt neceſſe veniꝛ ad turñ vic' vel ad viſum franc' pleg. niſi eorum præſenꝛ ob aliquam cauſam ſpecialiter exigatur iuxta formꝫ proviſionis de communi conſilio regni noſtri in conſimili caſu p viris religioſ. factæ, ideo tibi præcipiñ, quod non diſtring. S. perſonam eccleſiæ de N. vel capellanum, ad veniend' ad turñ tuum vel ad viſum franc' pleg. noſtri in hund' de I conꝛ formꝫ prouiſionis p̃dict̃, et diſtrict̃ &c.

¶ Et fées ne ſerra compelt' ne diſtreiñ a beñ al turnes de vic̃ ne al lœts, s ſils ſont diſtr̃, ils poiẽt ſuer tiel bꝛief &c. cõe vn pꝛeſt̃ puit ſuer, & ſur ceo Al' & Pluꝛ & attachment &c. Et pur ceo q̃ femes ne ſerra turies en lœts al roy come hões q̃ ſont dage de xij ans et plus ſerront, il eſt dit quant feme eſt vtlage q̃ il eſt waiue & nemy vtlage, car el ne fuit vnques mis & ture al ley &c. mez home eſt dit vtlage pur ẽ q̃ il fuit ture al ley: & oꝛe pur contumacie il eſt mis hoꝛs del ley, & dictus vtlagatus, quaſi extra legem poſitus, Et feme neſt iſſint, car el ne fuit ture al ley &c. Et per le rule en le Regiſter ij. femes poient ſuer ceſt bꝛiefe al vic̃ ou al bailie del lœte, q̃ ils ne diſtr̃ eux de beñ al turne &c. ou al lœte &c. Et ſi le vic̃ voil' diſtr̃ les teñts en aunc̃ demeſñ de beñ al lœt ou al turñ de vic̃, il saucra vn bꝛief pur eux touts direct al vic̃, luy cõmand̃ q̃ il ne eux diſtr̃ &c de faire ſuit al leet ou turñ &c. Et cẽ bꝛe fra ſue en touts lour noſmes, ſils voil', come vn Monſtrauerunt ſerra ſue, ou aſſ̃ de eux puit ſuer le bꝛiefe ſil ſoit diſtreiñ pur faire ſuit en ſon noſme demeſñ, et le bꝛiefe eſt tiel. ¶ Rex vic' &c. Monſtrauerunt nobis hoĩes de manerio de D. qd' ẽ de antiquo dñico coronæ Angl' qd cũ ipi ad torñ vic' ſeu ad viſum franc' pleg. extra libertatem maner̃ p̃d' venire non debeant niſi ipſi vel eorum anteceſſoꝛ hoĩes teñtes de eodem manerio veniꝛ conſueuerunt a tẽporibus retroactis, tu nihilominus hoĩes nꝛos p̃d ad veniend ad torñ in K. vel ad viſum franc' pleg. in hund nꝛo de K cõꝛ conſuet in eodem manerio hactenꝰ viſitatam grauit diſtringis et ipſos multiplicit ea occaſione inq̃etas minus iuſte in ipſorum hominũ & tenentiũ p̃iudicium manifeſtum & grauamen Et quia p̃d hominibus & tenentibus nolumus iniuriari, tibi p̃cipiñ, qd' ſi ita eſt, tunc ab hmi diſtrictionibus eis ex cauſa p̃dict̃ de cẽtero inferend' penit̃ deſiſtas, & ipſos conſuetudinibus ſuis, quibus hactenus rationabilit̃ vſi ſunt abſque impedimento ſeu calumnia vti pmittas & gaudeꝛ, ne quærela ad nos veniat iterata. Teſte &c.

Ꝛ ¶ Et

D ¶ Et ſi le vicount voile diſtr̄ home de faire ſuit al hund̄ ou wapentake ꝟ. foits p an, a p̄ſent̄ chof. apptenantes a cel lœte ꝛc. donqꝫ il auera bꝛieue ſur le ſtat̄ de Magna carta direct al vic̄, que ſerra tiel.

¶ Rex ball' ſuis de wapent̄ de R. ſal. Cum in Magn̄ cart̄ de libertatibus Angl' contineat̄, qd̄ nullus vic' vel ball' ſuus fac' torn̄ ſuū p hund̄ niſi bis in ann̄, & non niſi in loco debito et conſueto, viz. ſemel poſt Paſch. & iterū poſt feſtū S. Michael, ac iā ex q̄rel' hominum & tenentium abbat̄ de C. accepimus, quod vos ipſos homines & tenēt̄ in hac part̄ p̄graueī machinantes, ipſos ad veniend̄ ad quodlibet wapentag. nīm præd̄ ad p̄ſentand̄ ibīn̄, ea q̄ ad viſum franc' pleg. pertinent iā de nouo grauit̄ diſtringitis, in ipſorū hominū & tenentiū graue dānū & preiudiciū manifeſtum, & contra tenorem Magn̄ cart̄ p̄d̄, nos eand̄ cartā in omnibus inuiolabiliter obſeruar̄ volent̄, vobis p̄cipimus, qd̄ dictos homines & tenentes ad veniend̄ corā vobis ad wapentagium pred̄ ad p̄ſentēd̄ ea q̄ ad viſū franc' pleg. p̄tinent contra tenorem cartæ p̄d̄ nullatenus diſtring. & diſtrictionem, ſi quam &c.

¶ Et p̄ ceo appiert, q̄ il ne ſerra diſtr̄ a bener al hund̄ a p̄ſent̄ chof. apptein̄ al view de franc̄ pleg. ſinon ꝟ. foits p an: mes pur faire ſuit al hund̄ de faire ceo q̄ apperteine al court del hund̄ plaiors foits de faire ſuit duc au cel, et nauera remedy, pur c̄ que ſuit al hund̄ eſt de 3. ſemaignes en 3. ſemaignes.

33 Breue de Quarentina habenda.

A BReife de Quarentina habenda giſt ou home deuie ſeiſie de aſcun meſuage & tres ꝛc. Et immediat̄ apres le mort le baron ſheire ou ceſty que auera les terres apres ſa mort voit̄ ouſte ſa feme del meſuage ꝛc. donqꝫ la fēe aūa cē bꝛief, car p̄ le ſtatute de Magna carta ca. 7. la fēe demurt̄ en la capital meſe apres la mort le barō p xl. iours, ſil ne ſoit caſtel, & cē bꝛief eſt vicontiel, & ſerra direct al vic̄, & il tenēt̄ ple ſur ceo, & le bꝛiefe eſt tiel.

¶ Rex vic' &c. vel ballivis ſuis S. ſalut. Ex q̄rel' B. q̄ fuit vxor D. accepimus, qd̄ cum in Magna carta de libertatibus Angl' contineatur, quod viduæ maneant in capitali meſuag. maritorum ſuorum p̄ quadragint̄ dies poſt obitum maritorū ſuorum p̄d̄, niſi meſuagia illa caſtra ſunt infra qd̄ tēpus dotes ſuæ aſſignentur eiſd', & quod interim habeant rationabilia

bilia eſtoũiia de bonis eorundꝫ: I. de C. ipſam B. ſtatim poſt mortẽ ꝓdꝫ viri ſui de capitali meſ. qđ fuit eiuſdem D. in H. licet caſtrum non ſit, nec dos ei aſſignꝫ fuer violẽt eiecit & ipſam eſtoũiiũ ſuũ de bonis eorund' cõibus ꝓcipe non ꝓmittꝫ, in ipſi⁹ B. damñ non modic' & grauamẽ, & cont tenor cartæ prædꝫ. Et quia ꝓf. B. iniuriari nolumus in hac parte, vobis mandam⁹, quod vocatis corã vobis ꝓtib⁹ ꝓdꝫ, & auditis hinc inde earum rationibus, eidꝫ B. plenã & celerẽ iuſticiam inde fieri faciatis iuxta tenorem chart ꝓdꝫ, ne ꝓ defectu iuſticiæ quærela ad nos venerit iterata, Teſte &c.

¶ Et ſur ceſt bꝛief le vic̃ agarꝺ ꝓces vers le partie de luy fatre veñ &c. de rñ̃ a ceo &c. & ne taricẽ tanqꝫ le court del countie ſoit tenus, car ceſt bꝛieſe eſt come vn commiſſ. a luy, & ſur ceo il fra ꝓces mainteſi vs le ꝓty de rñ̃ &c. detnz 2. ou 3. tours ſolonqꝫ ſ̃ diſcretion, & ſur ẽ ꝓceꝺ come Juſt fra ſur cõmiſſ. de oier & terminer &c. A

89 ¶ Breue de Contributione

BReue de Cõtributione giſt en caſe ou trois ſont teñts en common, ou tout teigñ vn molin ꝓ indiuiſo, et ꝓfit les ꝓfits egalmt, & le molin chiete en decay, & iun ne voit fatre aſẽ reparaẽ de molin, eze lez autrez aſſia ceſt bꝛief de cõpell luy diſtr̃ contributoꝝ al repatr̃, & le bꝛiefe ẽ tiel. ¶ Rex vic' &c. Si A. fecerit &c. tunc ſum̃ &c. B. & C. qđ ſint apđ W. &c. oſtenſ. quare cum ijđ A. B. & C. quoddam molendinum in N ꝓ indiuiſo teneant, & ipſi exitus inde ꝓuenien̄ ꝓ equali portione ꝓcipiant, & ad reparationem & ſuſtentac' eiuſdẽ molendini teneantur, ac ijdẽ B. & C licet portionem de exitꝫ illis ipſos contingen̄ ꝓcipiãt, reparationi & ſuſtentationi ꝓdꝫ molendini contribuere cõtradicũt, in ipſius A. dãnũnon modicũ & grauam̃, vt dicit, & habeas ibi ſum̃ & hoc breue. B

¶ Et ſi ſont tꝛ̄. ou tꝛ̄. copceñs de aſẽ terre, & icyſne ſoer fait le ſuit due al ſñr, de q̃ les fres ſont tenus pur toutes les coparceners, & les auꝛs coperceners ne voile allower luy pur ſon charge & ꝓde ſolonque lour rate pur ñ le ſuit, oze ceſty cozarceñ q̃ fait le ſuit pout aũ ceſt bꝛief de Contributione faciendꝫ, & le bꝛief eſt tiel. C

¶ Rex vic' &c. Si B. fecerit &c. tunc ſum̃ A. & I. vxorem eius, & R. & F. vxorem eius qđ ſint coram Iuſtic' &c. oſtẽſ. quare cum de cõi conſilio &c. qđ ſi hereditas aliqua &c. *vt ſupra vſque ibi*, fieri conſueuit, et ille qui habet enitiam

partem hæreditatis illius, sectã illã faciat ꝑ se & participibus suis eiusd' hereditatis & qd' ijdẽ participes cõtribuãt ad sect illã faciend', ac quædam hered' que fuit C. in R. ꝑ qua vnica secta ad hundred' I. de N. vel ad curiam I. de N. tantum debetur, ad ipsum B. & prædict' A. I. R. et F. particip' hereditatis ꝓdict' sit deuoluta, vt accipimus, et prædict' B. qui habet initiã partem hereditatis illius, sectam illã fac' ad hund' ꝓd', vel ad cur' ꝓdict' ꝑ se et ꝓdict' A. I. R. & F. particip' suis eidem A. I. R. & F. ad sectam illam faciend' contribuer' contradicunt, ad graue damnum ipsi' B. et cont' formam ꝓuisionis predict', vt dicit, et habeas &c.

¶ Et si sont pluſors copercener's, & leigne fait le suit, ascũs de copceners agree oue leigne pur lour rate &c. ore ẏ bziek de contributione ſerra pozt vs les auks, qux ne voile faire contribuer &c. Et si pluſozs sont enfeſ. de asẽ tre, pur qi vn suit deuer estre fait &c. oze sils agree ent eux mes, que vn de eux ſerra le suit, & q̃ les aks ſerra contribuer a luy, oze sil fait le suit &c. & puis les auks ne voile a luy allower solonqz lour rate pur ceſt suit, donqz il aũa cẽ bziek, de contributiõ fac' vs eux, & le bziek ſerra mentiõ de cẽ agreements &c. Et si ils ne poiẽt agreer, donqz le Sñr distr' eux touts pur touts lour suits, si le suit ne soit fait, mes si lun feffee de son voiũt dem̃ fait le suit pur touts sans ascũ agreem̃t de ceo ent' eux, le sñr ne distr' donqz les auks pur suit, car vers le sñr nest mar'ial sil soit agreem̃t ent' eux ou non, si le suit soit fait, mes ent' les toint feffees celuy q̃ fait le suit nauera bziek de contributiõ faciend' vs ses compañ sans agreem̃t ent' eux de ceo fait, mes sil lũ toint feffe fait feffem̃t en fee de sa pt &c. oze son feffee ſerr' ſeueral suits apluy, mes vn' les auks toint feffs serr' forsqz vn suit p le ſtat de Marl. cap. 9. Mes chescũ f en cõon ſerra ſeueral ſeruice et ſeueral suitz, & le pzoẽ en ceſt bziek est sum̃, attach. & distr' &c.

90 ¶ Breue de contra formam feoffamenti.

E BRiefe de contra formam feoffam̃ti gist lou home enfeffe vn auter deuant le ſtatute de Quia emptores terrarum, a tener de luy per homage, fealtie, et rent per fait, et puis il voile distr' pur suit ou auters ſeruices de faire a luy, oze celuy q̃ fuit enfeffe, ou lon heire auera ceſt bziefe de Contra
F formam feoffamenti &c. Et ceſt bziefe puit estre direct al Seignior meſme, ou a ſes bailies, eux commaund, q̃ ils ne

ne luy distr' encontr' le forme de son charter &c. Et cest bre est vn prohibition en luy mesme.

¶ Et si le Sñr ou bailie font contrary a cest br' a eux direct, donqz le tenant aũa Attachmẽt sur ceo, et Distr &c. Et le forme del briefe est tiel. ¶ Rex I. vel balliuis I. salutẽ. Cum de communi &c. quisum sit, ne qui occasione teñtorũ suoꝝ distringantur ad sectam faciend' ad cur' dñorũ suorũ, nisi per formã feoffamẽti sui ad sectã illã specialit' teneant', aut ipsi vel eorum anteceſſores teñta illa tenent', eam facere consueuer' ante prim' transfretatiõ dñi H en. regis in Britañ: Tibi vel vobis p̃cipim⁹, qd' non distringas vel distringatis A. ad faciend' sectam ad curiam tuã de I. vel ad curiam pred' dñi vestr' de N. contra formam prouisiõ pred', et districtiõ &c. A B

¶ Et nul pũs auer' cẽ br' de Contra formã feoffamẽti, si nõ cestuy q̃ fuyt enfeffe, ou les heires que sont prius al fayt, mes si le feffee a q̃ les t̃res fuer' dões de tener del feoffor & ses heires p̃ le fayt ac fait feoff ouster a teñ de chief sñr &c. ore cesty feffee nauera cest br' de Contra formam feoffamẽti, pur ceo que il nest party ne priuy al fait, mes il rebutter le sñr p̃ cest fait a claim̃ auters terres q̃ sont compriſes en le fait, et cest briefe est vn prohibit' al sñr, & a ses bailies. C

¶ Et sil distr' apꝛz le br' a luy delũ &c. le teñt aũ Attachmẽt vꝰ luy, et sur ceo il recouũa ſes dam̃ &c. sil soit troue pur luy &c. ¶ Et le proẽ est Prohibition, Attachmẽt, & Distr &c. Et le rule en le Regiſter est, Si quis pro ſectis non debitis contra formam alicujus ſtatuti ad Cur' alicujus faciend' diſtringat', poteſt habere prohibitionem diſtringenti, & puis Attachmẽt, ſi neceſſe fuerit, nec poteſt attachiari niſi prius ei dirigatur prohibitio. D E

¶ Et opiñ Perning Paſchæ 10 E. 3. que ſi home done terre en franckmariage, ou en franckalmoign̄, q̃ le doñ naũa bre de Cont' torñ feoffamẽti ne ſes heires, pur ceo que ne ſont aſcuns ſeruices expreſſe en le chart', per que il eſt hoꝛs del caſe del ſtat' de Marl' c. 9. mes ils poient rebutt' le sñr p̃ tiel charter &c. F

¶ Et ſi l' sñr cõfirme leſtate le t' a teñ p̃ meind ſeruic' &c. le tñt aũa briefe de Contra formã feoffamẽti, ſil ſoit diſtr' pur pluſoꝛs ſeruices que ſont en la confirmat' ſpecifices. M. 16. Edw. 3. G

¶ Et en Contra formam feoffamẽti, le pl' count' ſur l' fait, & le def. demaund' oyer de ceo, & ne poit aũ, M. 3. E. 2. en title de Action ſur ſtatute 25. H

I ¶ Et le Contra formã feoffamenti ne gist, mes solement vers le feoffor & ses heires.

91 ¶ Breue de Coronatore eligendo, vel exonerando.

R BReue de Coronatore eligendo gist en case ou home q̃ est Cozoner dascũ com̃ deuie, ou soit discharge de son office, donqz cest bre serra ag. al vicont, q̃ il en pleine com̃ per les franktenãts del com̃ eslieẽ vn auk en son lieu, & de certifier ceo eleck, & le nosme cestuy que est eslieu en le chancerie.

L ¶ Et en chescũ com̃ cõmenm̃t sont quatr̃ Cozoñs, & en askũ com̃ 6. Cozoners, & en askũ com̃ meins come le vse est.

W ¶ Et si askũ de eux deny, ou ẽ discharge. donqz isskũ tiel br̃.

¶ Rex Vic' &c. Quia L. nuper vnus Coronatoꝝ nostroꝝ in com̃ tuo diem clausit extrem̃, vt accepimus: Tibi p̃cipimus, qd̃ si ita est, tunc in pleñ com̃ tuo de assensu ejusdẽ com̃ loco ipsius L. eligi fac' vnũ aliũ Coronat' juxta form̃ statuti inde ædit' et prouisi, qui p̃stito sacrament̃, put moris est, extũc ea fac' et conseruet, q' ad offic' coronat' p̃tinẽt in com̃ pred', et talẽ eum eligi fac' q' melius sciat et possit officio illi intendere, et nomen ejus nobis scire fac', Teste &c. ¶ Et ore appiert per le br', q̃ sur le election fapt, le vicont doneũ a luy son sereñt de faire son office ducñt &c. Vide stat̃ W. 1. cap. 10. de ceo.

M ¶ Et si Cozoñ fr̃ discharge de s̃ office p br̃ le roy direct a luy, et sur ceo isslera auk br̃ direct al vicont de eslier newel Cozoñ, & cẽ br̃ reherse le cause del discharge del auk cozoñ, & serra tiel. ¶ Rex vic' &c. Quia R. vnius Coronatorũ nr̃orũ com̃ tui diuers. negoc̃ nr̃is in com̃ tuo faciend̃ ita occupat̃ est qd̃ ea quæ ad officia Coronatoris in eodem com̃ p̃tinent exercend̃ vacare non potest, vt pro certo intelleximus, ip̃m ab officio illo amouimus: Tibi p̃cipimus, qd̃ vnũ alium Coronat̃ &c. *vt supra*, *Vel sic*: Quia ex testimonio accepimus fide digno, qd̃ W. T vnus coronatorũ nostrorũ com̃ tui adeo languidus est, et senio confractus, qd̃ ad ea &c. exercend̃ non sufficit ipsum W. duximus ab officio illo remouend̃. Et ideo tibi præcipimus &c. *Vel sic*: Quia W. vnus coronat̃ &c. minus idoneus est ad officium illud exequend̃, sicut ex relatu &c. *Vel sic*: Quia accepimus, quod W. in coronator̃ com̃ prædict̃ nuper electus, terras vel tenementa in eodem Comitat̃ non habet, in quibus juxta statum suum morari possit pro præd' officio exercend̃: Tibi p̃cipimus &c. *Vel sic*: Quia

Quia A. vnus coronatoꝝ &c. morbo paralisis percuſſ', &c. *Vel*, quia in extremis partibus totius coñ moratꝰ, per quod ea que ad officia &c. commode exercerꝰ non poteſt. *Vel*, Quia in officium vic' coñ prædict' eſt electus, *Vel*, in viridarium foreſtæ noſtræ de S. electus extitit, per quod &c. *Vel*, Quia non habet centum ſol' terræ vt dic'. *Vel*, Quia non eſt nules, &c.

¶ Mes ſemble q̄ cē darrein cauſe a ꝫ iour nē cauſe de amoū le cozoñ &c. car ſil ad terre ſufficient deins le coñ, il ſuffiſt &c. coñt que il ne ſoit chiuaſ', nient obſtant le ſtaꝫ, que voit q̄ il ſerra chiuaſ': car ceux pois fuerꝰ mis en le ſtaꝫ al entent, q̄ il aūa ſuffiꝰ deins le coñ &c. & pur nul auꝫ cāe, & il ſemble q̄ le roy poit commaund̄ le viꝫ p̄ s̄ bziefe deſlier ij. ou iij cozoners ſil y fault tants en le coñ. C

¶ Et ſi l' viꝫ eſlie aſꝫ deſꝫ bail' del hund̄ ou del Swapentake, ou ſi ſſit de libertie eſlie vn deſꝫ bail' de libertie, q̄ nad terꝫ ſuffiꝰ en le coñ accozd̄ al ſtaꝫ de Weſtm̄ &c. mes vide leſtaꝫ Ed. 3. an. 2. ca. 4. de ceo matꝫ, donqꝫ bziefe ſerra maund̄ al vicont de diſcharger tiel bail', & deſlier nouel en ſon lieu, & ſur q̄ home poit ſuer Al' & Pluꝫ & Attachment vers le viꝫ ſil ne fait accozd̄ al bziefe, et le bziefe eſt tiel. B

¶ Rex Vic' &c. Cum in ſtatuto apud Weſtm̄ nuper edito contineaꝫ quod nullus ſit vic' vel ball' libertatis, wapent̄, hund', nec tithingi, niſi habeat terꝫ & tenem̄ta ſuffic' in eodē coñ vnd' nobis ſeu populo noſtro in hac parte ꝛ̄ndere poſſit, ſi quis ſuper eum conqueri voluerit, iamq; intelleximus, qd' W. de T. qui terras ſeu teñta in eodem coñ non habet, bail' wapentagij noſtri de B. feciſti, in noſtri contemptum, & populi noſtri in hac pte damnum non modicum & grauamen, & contra formā ſtaꝫ præd'. Et ideo tibi prec' quod ſi ita eſt, tunc ipſum W. a ball' præd' ſine dilatione amoueri facias, & alium loco ſuo competētem conſtitui vel ordinari fac' iuxta formam ſtatuti præd'. Teſte &c.

92 ¶ Breue de electione Viridariorum foreſtæ.

BReue de electione des Verdors del foꝛeſt giſt ou aſcū des verdoꝛs ſoient moꝛts ou amoues de ſoun offices &c. donque le roy maund̄ bziefe de eſlier auter en ſon lieu, & ſerra direct al viꝫ, & le bziefe ſerra tiel. C

¶ Rex vic' &c. Quia A. nuper vnus viridaꝫ noſtroꝝ foreſtæ noſtræ mortuus eſt, vt accepimus: ideo tibi præcipimus qd'

si ita est, tunc in pleno com̃ tuo de assensu eiusdē com̃ loco prædict̃ A. eligi facias vnum alium viridarium, qui prestito sacramento prout moris est, extunc ea faceret et conseruaret q̃ ad officium viridarij pertinent in foresta p̃dict̃ &c.

¶ Et p ceo appiert, q̃ l'vndr fra eslieu en m̃ l'mañ come coroñ del com̃ serra eslieu p les franks tenants del com̃.

D ¶ Et si vn coroñ ou vndr soit discharge de son office per faux suggestion p brieue del roy direct al viz̃, donqz le party port vener en chancery & require vn commission denquirer de ceo faux suggestion, et de ret̃ cest enquis̃ en le chancerie deuãt le roy, ou les Justic̃ del forest poient certifier le roy, de ceo faux sugg. south lour seale. Et sil soyt troue faux, donqz le roy port faire Superseď al viz̃, que il ne amoue le verdqz, si &c. Et sil soyt amoue, que il luy suffr̃ doccupier loffice come il fist auant ac. Et le brieue est tiel.

¶ Rex Vic' &c. Licet nobis sugg. in cancell' nr̃a qd' A. vnus viridariorum in foresta nr̃a de S. non habuit terras sen tenementa infra limites forestæ p̃dict̃, nec infra forestam p̃dict̃ morabatur: Tibi p̃cipimus, qd' si ita est, tunc in pleno com̃ tuo de assensu eiusdē com̃ loco præd' A. eligi faceres vnum alium viridariū, qui p̃stito sacramēto, put moris est, extunc ea faceret et conseruaret quæ ad officium viridarij pertinetent in foresta præd̃, quia tum testificatū est coram nobis in canc' nostra per dilectū et fidel' I. de S. Iustic' forestæ nostræ vltra Trentam, quod idem A. terras et tēnta habet sufficient̃ infra forestam p̃dict', et idoneus et sufficiens existit p officio supra dicto. Nos nolentes ipsum A. ab officio illo occasione huius falsæ suggestionis amoueri: Tibi præcipimus, quod executionem breuis nostri præd' occasione falsæ suggestionis prædict̃ tibi directi superseď' omnino, & præf. A. officium illud exercere permittas, sicut hactenus fieri consueuit, Teste &c.

93 ¶ Brieue pur election de Clerke pur prender obligac' sur statute Marchant.

E BRieue pur election de Clerke assigñ pur prendr̃ a faire lobligation de ceo fait per stat̃ marchant, gist en case ou le Clerke que est assigñ pur prender ceux oblig. demur̃ en auter lieu, ou est occupy pur auters causes, q̃ il ne poit entendr̃ a cest office, ou q̃ il nad terres suffic̃ &c. a respondr̃ pur son default, donqz sur surmise fait en le chancery tiel brieue serra

ſerra fait, direct as Maire, ou Baylies &c. de eſlier auter, et de diſch lauter, et le bꝛiefe ſerra tiel.

¶ Rex Balliuis et ꝓbis hoîbus vill' de H. ſalutem. Quia ex relatu accepimus plurimorum, qđ R. qui cuſtodiam majoris peciæ ſigilli juxta formam Statuti de Acton Burnell in villa prædꝯ accipiendꝯ deputaꝯ jam habet, in villa p̄d' moram non facit, per qd' ad ea quæ ad officium ſuū ꝓtinent in hac parte faciend' intendeꝛ non poteſt, in mercatorum et aliorum ad dictam villā conſluenꝯ diſpendiū non modicū et grauamen: Vobis mandamus, qd' ſi ita eſt, tunc loco ipſius R. eligi fac' vnū alium hoîm de villa p̄d', q' ad dictā peciam cuſtodiend', et ad ea quæ ad illam cuſtodiā ꝓtinent faciend' melius ſciat et poſſit intendere, et nos de nomine illius quem ſic eligeritis, ſub communi ſigill' vr̄o diſtinctè et apertè ſine dilatione reddatis certiores, hoc bꝛe nobis remittentes, Teſte &c.

¶ Et il appiert p leſtaꝯ de Mercatoribꝰ, q̄ le Roy ſerra le Clerk, & p ceſt bꝛe appiert, q̄ les Maires ou Baulfes eſliera le dit clerk &c. Mes ſēble q̄ ceſt bꝛe eſt grant ex gr̄a Regis, car il purroit maund bꝛiefe de Diſcharge al clerke, & ſerra nouel Clerke (come ſemble) a ſon pleaſure.

94 ¶ Breue de Non ponendis in Aſſiſis & Iuratis.

¶ Eſt bꝛiefe de Non ponendis in Aſſiſis aut Iuratis eſt A ſoundue ſur le Statute de Weſtm̄ 2. cap. 38. et ſur le ſtatute de Artic. ſup Chartas ca. 9. q̄ux eſtatutes declarent q̄ls ꝓſons le vicont doit enpanell' en Aſſiſes et Juries, et q̄ux il ne deueꝯ enpanell', & q̄l number il deueꝯ enpanell' en Juries ou Inquiſitions. Et les bꝛiefes declaꝯ leffect de ceux eſtatutes, et le bꝛiefe eſt tiel.

¶ Rex vic' &c. Cum inter cæteros Articulos, quos dñs E. quondam Rex Angl' &c. ad emendꝯ ſtatus populi regni ſui ordinauit, conceſſum ſit, quod nullus vic' vel balliuus ponat in inq̄ſitioñ nec juraꝯ plures hoîes, nec alios, nec alio modo quam ordinatū eſt p ſtatutū, et qđ ponant in inquiſitionibꝰ et juratis hm̄di hoîes magis propinquos, magis ſufficienꝯ, et minus ſuſpectos: Et qui ſecus fecerit, et inde conuictus fuerit, reddat querenti damna ſua in duplum, et ſit in graui mīa noſtra: Tibi præcipimus, quod in iurata 24. Militum quam H. T. de K. arrainauit coram &c. per breue noſtrum verſus W. F. ad conuincend' iuratores aſſ. nouæ diſſeiſinæ, quæ inter ipſum W. et preſaꝯ H. T. et alios in breui noſtro originali contenꝯ, ſum̄ fuit et capta apud E. per breue noſtrum

coram

coram nobis de teñtis in C. hoïes viſinet illi⁹ magis propia. quos, magis ſuffic', & minus ſuſpect', p quos rei veritas melⁱ ſciri poterit & inquiri, poni fac', iuxta formam articulorum p̃d, & hoc nullatenus omittas.

B ¶ Et p cē bꝛiefe il appt qñt hōe ſue en Aſſiſe, ou Attaint, ou tiels actions, q̃ur ſont iurors al pꝛim̃ iour ꝛc. que il poit auꝛy ſuer ceſt bꝛiefe diꝛect al viē, q̃ il retoꝛñ panel accoꝛdāt al eſtatute ꝛc. E. ſi le viē ne fait accoꝛdāt, donq; ſembl' q̃ le ptie auera Attachment vs le viē ſur ceo ꝛc. Et ceſt bē poit eſtre ſue cibien p le def. cōe p le pl' ou dōant.

C ¶ Et auꝛy coñt q̃ le ptie ne ſue le bꝛiefe, vnē ſi le viē ou bailp de libertie retoꝛñ panel encontē la foꝛm de ē ſtatut, le partie def. ou pl' poit aū acē ſur ceſt ſtatute vers le viē ꝛc. pur ceo q̃ leſtatute eſt vn phibiē en luy meſm̃. Et le foꝛme del bꝛiefe Dattachment ſur ceo eſt tiel. ¶ Rex Coronatoribꝰ ſuis in coñ Linc' &c. Ponite per vadios &c. B. vic' noſtrum coñ p̃ d', qd' ſit oſtenſurus quare cum inter cæteros articulos &c. vſq; ibi, in graui mĩa nr̃a, & nos nuper ad proſecutionem H. aſſerentis quandā inquiſitionem capi debeē coram Iuſtic' nr̃is p̃d' de loquela, q̃ fuit coram eiſdem Iuſtic' p breue nr̃m inter P. petētem & T. teñtem de maño de S. cum ptiñ: p̃cepimus ꝑ vic', qd' in inquiſic' illa hoïes magis propinquos, magis ſufficient', & minus ſuſpectos poneret, iuxta formā ſtatuti & articulorum præd': idem vic' in eadem inquiſitione hoïes magis remotos, minus ſuffic', & magis ſuſpectos poſuit, contr formam eoꝝ undem ſtatuti & articulorum, ac contra tenorem mandati nr̃i præd' vt dic', & habeas &c.

D ¶ Et per le ſtatute de Weſtñ 2. auantdit, le viē ne doit enpaneil' homes languiſants, ne decrepits, ne homes que el tēps del ſummōs ne ſuer demuꝛē en le pais, ne hōes ouſtē lage de lxx. ans, ⁊ eſtranes nasceꝛum ꝛc. Et ſil face, donq; ceſtuy ou ceux q̃ ſe donbt deſtre enpaneil' p le viē poit ſuer ceſt bꝛiefe al viē, ſuy commandō q̃ il ns eux enpaneil' ꝛc.

E ¶ Et Barons q̃ ſont ſñꝛs, ne ſerra enpaneil' en Juries nen aſſiſes ꝛc. ſi iour p̃fence ne ſoit neceſſarie ꝛc. mis ils auera bꝛiefe pur eux diſcharge al viē, q̃ ſerra tiel.

¶ Rex vic' &c. quia Barones regni noſtri in aſſiſis, iuratis, ſeu recognitionibus aliquibus poni non conſueē vt dicunt, niſi eorum ſacramēt adeo ſit neceſſariū, quod ſine illis veritas inquiri non poſſit: Tibi p̃cipimus qd' dilectum & fidelē noſtrum A. in aſſiſis, iuratis ſeu recognitionibus aliquibus non ponas ſeu poni facias contra voluntatem ſuam, ſine

mandato

mandato nr̃o speciali, nisi sua præsenc' ob aliquam causam specialiter exigatur. Teste &c.

¶ Mes si le vicont ad retorn̄ ascũ sfir en iuries ou ẽ ass. &c. donqs il coupent porr̄ bre as Justic̃, recherlant q̃ il est sfir & pere de Kealm̃, eux cõmaundõ q̃ ils luy dischairger &c. autm̃t il serr̄ iure, & sil ne apper̃, il pdra ses issues rer̄ &c.

¶ Et auxy sõt auters bres pur ceux q̃ sont languissant, ou pass. lage de lxx ans, ou queux ne sont demurr̄ dens le com̃, & le bre est tiel. ¶ Rex vic' &c. Cum de cõi consilio &c. quilũ sit, qd̃ hoĩes perpetuo languidi, *vel sic*: Quod hoĩes tempor̃ sum̃ vic' in patria non cõmorantes, *Vel sic*, Quod hoĩes ætatẽ lxx. annorũ excedeñ non ponantur in assisis, juratis, &c. Tibi p̃cipimus, qd̃ si A. sit ꝑpetuo languidus, *vel sic*: ætatem lxx. annorũ excedens, vel in tempore sum̃ tuę in balliua tua, vel com̃ tuo moram non fecerit, tunc ipsum &c. in assisis, juratis, seu recognitionibus aliquibus non ponas, seu poni facias contra formam prouisionis p̃ræd. Teste &c.

¶ Et clerks q̃ ont terres ou tenem̃ts per discent, ou per purchase, serra mis et iurus en assis. et iuries, sibien come auters lay persons, come appiert p̃ le Register, et semble q̃ la ley serr̄ tiel. Mes si tiel clerk soit en seruice le roy, il aura special bre al vic̃ de luy discharge &c. & le bz̃eue est tiel.

¶ Rex vic' &c. Quia Magistr̃ R. clericus in obsequio nr̃o, vel in obsequio venerabilis patris I. Elien. Epi, hijs diebus moram fac' continuam, vt dicitur: Tibi præcipimus, quod ipsum R. occasione terrarũ et tenr̄orũ quæ tenet in comitat' predict', in assisis, juratis, seu recognic' aliquibus non ponas seu poni fac', quamdiu in obsequio nr̃o, vel ejusdem Epi moram facit supradict'. Teste &c.

¶ Et p̃ cest bre appt, q̃ clerke serra mis & retorn̄ en panels & iuries, sil ne soit en seruice le Roy, ou ant', p̃ que le Roy voile eleyer al vic̃, q̃ il ne luy enpaneller &c. Mes si le vic̃ impaneil & retorne tiels clerkes, ils couient appeare &c. Et autrement ils perdr̃ lour issues &c. Et ils nõt remedie, sils naũa sue & obteine tiel bz̃eue come auant.

¶ Et si le vic̃ retorn̄ eux enpaneil', ou retorn̄ en iuries apres tiel bz̃eue a luy direct, donqs ils auer̃ Attachm̃t vs l' vicont &c. come semble.

¶ Mes si le vic̃ retorne homes demurrants en auters com̃, ou que passe lage de lxx. ans, ou q̃ sont languishant, donque ils auera action vers le vicont sur le statute, comẽt que ils nauera sue tiel bz̃eue auaunt direct al Vicont, pur

ceo

ceo q̃ le statute est vn̄ phibit̄ a luy, q̃ il ne retorn̄ tiels per-sons. Et semble q̃ le Vicont est ten⁹ de prender notice de ceo a son peril, Tamen quære. Et si le vicont retorne ascun panel de homes q̃ux ne sont sufficient de pass. en ñ lacion de terr' ou teñts &c. donq̃ cesty iuror poit añ acc̄ sur l'statute, q̃ est tiel. ¶ Rex vic' &c. Cum ad cõmunem vtilitatem populi regni nr̄i de coĩ cõsilio ejusdem regn̄ statutum sit, Ne quis ponatur in Ass'. Iuratis, seu recognitionibus aliquibus, nisi habeat terras aut teneñta ad valenc' xl. s. per annum ad minus, ita tamen quod coram Iustic' itinerant̄ ad communia placita in itineribus suis, et etiam in assisis, juratis seu recogn̄, q̃ ciuitatib⁹, burg. et alijs villis mercatoribus emerserint faciend̄, fiat, put hactenus fieri consueuit: Tibi precipimus, qd' si A. terras vel teñta ad valenc' tanti per annum non habeat, tunc ipsum A. in assisis, juratis, seu recogn̄ non ponas seu poni facias contra formam Statuti &c.

¶ Et si le vic̄ fait cõtrary &c. vt añ Attachm̄t vs le vic̄.

¶ Et p̄ le statute le vicont ne doit empaneil' ascũ iuror̄ pur trial dascun matter, que serra tric hors del Countie, sils ne poyent expend̄ £.s. per an &c. Et sil fait, le partie aura action sur lestatute fait añ 21. E. 1. De ponendis in assisis et juratis &c.

¶ Et si le vic̄ retorn̄ en ascun panel homes demurrants en auncient demesne, pur lour terres deins auncient demesne donques ils poyent auer brieue vers le Vicont, q̃ il ne retornera eux &c. que serra tiel.

¶ Rex vic', Cum secd̄m legem et consuetudinem regni nr̄i hactenus obtentam et approbatam homines et tenentes de manerijs quæ sunt de antiquo dominico Coronę Angl' pro tris et teñtis quæ tenent de eodem dñico in ass'. jurat̄, seu recogn̄ aliquibus poni non debeant, nisi tantum in hijs quæ in Cur̄ hm̄odi manet̄ debeant fieri: Tibi precipimus, quod hoĩes et tenẽtes nostros de mañio nr̄o de I. quod est de antiquo dominico coronæ Angl' vt dic', pro terris et tenementis quæ tenent de eod̄ manerio in assisis, juratis, seu recognic' aliquibus extra cur̄ maneriorum p̄dict̄ non ponas, seu poni facias contra legem et consuetud̄ p̄dict̄, nisi terras et teneñta de alia tenura teneant, per q' secd̄m formam statuti de communi consilio regni nr̄i inde prouisi in ass'. juratis, seu recogn̄ poni debeant, et districtionem si quam eisdem hominibus et tenentibus nr̄is occasione pred' feceris, sine dilatione relaxes eisdem, Teste &c.

¶ Et

¶ Et p cẽ bꝛiefe appiert, q̃ touts les tenãts poiẽt ſuer cẽ bꝛief, come ils poient ſuer Monſtrauer. Et ſi le viẽ fait contr̃ ꝛc ils auera Attach. ſur ceo vers luy, & aſcuns des ẽs poient ſuer le bꝛiefe en lour noſmes demeine, ſi ils voiẽ, et donqꝭ le bꝛief ſerra tiel. ¶ Rex vic' &c. vt ſuꝑ vſque, Tibi precipimus, quod A. tenentem, *Vel ſic*, A & B. tenentes de manerio de M. quod eſt de antiquo dñico &c. *vt ſupra*. Et coñt q̃ le mañ ne ſout en mains le roy, vnc̃ les ẽs auera cẽ bꝛiefe vs le viẽ ſil voiẽ eux empanel ꝛc. & aurꝛ ils aũs ñ le bꝛiefe vs les bailꝛ de frãchis q̃ ont ẽ des bꝛiefs, ſils voiẽ ret aſſ̃ des ẽs q̃ teigñ del mañ de ancient dem̃ en aſſ ou iuries &c.

¶ Et aurꝛ le viẽ ne doit ẽ les cozoners en aſſ. iuries ou inq̃ẽ, ne verdozs, ne fozeſters, ne aũs miniſtr̃s del fozeſt & ils poiẽt aũ bꝛief de eux diſchꝛ, & le bꝛief ẽ tiel. ¶ Rex vic' &c. Quia A. vnus Coron̄ nr̃orũ com̃ tui ad ea q̃ ad officium coron̄ ptin̄ in eodem com̃ exercend̃ intendere non poteſt, ſi in aſſ. iuratis, ſeu recogn̄ aliquibus ext̃ cund' com̃ ponat̃: Tibi præciꝑ, quod ſi ita eſt, tũc A. in aſſ iurat̃, ſeu recogn̄ aliquibus ext̃ com̃ tuũ non ponas ſeu poni fac' quo minus officio intendere poſſit ſupradicto. ¶ Et p ceſt bꝛief appiert, que pur inquiſiẽ affaire deins le countie deuant Cõmiſſion ou Juſtic̃ de peace, le viẽ poit retoꝛn̄ cozoñs, mes ſur ac̃ ſue en comon bank, ou bank le roy, ils ne ſerra retoꝛne ſur aſſ̃ panel, & pur verdozs ou fozeſters, ou auters miniſters eſt tiel bꝛiefe. ¶ Rex vic' &c. Cũ dñs Edward' quond' Rex Ang. ꝓgenitor nr̃ per lras ſuas patentes cõceſſit ꝓ ſe & hæred' ſuis, quod foreſtarij, viridarij, aut alij miniſtri foreſtæ ſuæ nõ ponant̃ in aſſ. iuratis ſeu recogn̄ aliquibus ext̃ foreſtam illam capiend': Tibi præc', quod ſi H. viridarius nr̃ foreſtæ noſtræ de S. exiſtat, aut foreſtar̃ &c. tum ipſum H in Aſſ. iurat̃, ſeu recogn̄ aliquibus ext̃ foreſtã illam capiend' non ponas ſeu poni fac' iuxta form̃ ꝓuiſionis ꝓd̃, & diſtrict̃ ſi quam &c. *Vel ſic*: Quia vnus viridar̃ nr̃or̃ foreſtæ noſtræ de S. in com̃ tuo, ad ea q̃ ad offic' viridar̃ pertinent in eadem foreſta exercend̃ intendere non poteſt, ſi in aſſ. &c. ponatur extra foreſtam pred̃, Tibi præcipimus, *vt ſupra*

95 ¶ Breue ſuper ſtatutum Edwardi 3. Añ 23.

SI home reteine mon ſeruant eſteant en mon ſeruice, per que le ſeruant depart de moy &c. & aleẽ al ſeruice lauter, ceo auera action vers luy que luy retaine, et vers le ſeruant ſur le ſtatut fait Anno 23. Edward̃ 3. & le bꝛiefe ſerra

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vn attachm̃t vers cux pur ẽ que leſtatute eſt vn ꝓhibic̃a cux q̃ ils ne fra iſſint. Et ſe forme del bꝛief eſt tiel.

¶ Rex vic' &c. Si A. feceret &c. tunc attachias I. de B. ita qđ eum habeas coram Iuſtic' nr̃is &c. ad rñđ tam nobis q̃ꝑ fato A. quare cũ ꝓ nos & conſilium nr̃m ꝑ cõmuni vtilitat̃ regni nr̃i ordinatum ſit, Qđ ſi aliquis meſſor, falcator, aut alius operari⁹ vel ſerviens cuiuſcunq; ſtatus ſeu cõdic' fuerit in ſeruicio alicuius retent⁹, ante finem t̃mini concordat̃, a dicto ſeruicio ſine cauſa rationabili vel licentia recſſerit, pen̄ impriſonamenti ſubeat, & nullus ſub eađ pena talẽ in ſeruitio ſuo recipeř vel retineř ꝓſumat: Nec vllus vadia liberationes, mercedˀ, ſeu ſalaria maiora quã ſolita ſunt preſtar̃, añ Reg reg. E. 3. ꝓgenit̃ nr̃i 20. vel annis communibus quinq; vel ſex ꝓxim̃ ꝓſedentib⁹, alicui ſeruienti ſoluat vel ſolũe ꝑmittẽ ſub pena dupl' illius qđ ſic ſolutum aut ꝑmiſſum fuerit illi q̃ ex hoc ſenſerit ſe grauat̃, applicãđ ꝓđ I.R. de C nuper ſeruient̃ prædˀ A. in ſeruic' ſuo apud B retent̃, qui ab eodem ſeruic' ante finem t̃mi͠n int̃ eos concordˀ tact̃ ſibi ꝑmiſſ. per ipſum I. de ſalar̃ plus ſoluẽ recipiendˀ ſine cauſa rõnabili & licẽc' ꝓf. A. receſſit, in ſeruic' ipſius I. quãquã ipſe de ꝓt. R. eiđ A. reſtituendˀ req̃ſitus fuerit, admiſit & retinuit, in nr̃i contempt̃, & ipſius A. graue dãpn̄, & cont̃ formã ordinationis ꝓđ, attachias etiam ꝓf. R. ita quod eum hẽas tunc ibidem ad rñđ tam nobis quã ꝓf. A. quare a ſeruic' eiuſdẽ A. ſine cauſa rationabili & licentia ſua, vt prædˀ eſt receſſit in nr̃i cõtẽptum, & ipſius A. graue damn̄, & contra ordinationem prædˀ, & habeas ibi hoc breve, Teſte &c.

¶ Et il poit ſuer le bꝛief vꝰ le Maſter ſolement, ou vers le ſeruant ſolem̃t. Et il appiert q̃nt le bꝛief eſt vꝰ le maſter & le ſeruant, q̃ donqꝫ eſt ſeũal attachm̃ts fait en le bꝛiefe.

¶ Et ſi home ioit require de ſerũ, & nad t̃res ne teñts ꝺ viuer per ceux, ne auter arte, & il refuſe de ſerũ, donques ceſtuy que luy require auera ceſt bꝛiefe.

¶ Rex vic' &c. Si W &c. tunc attachias R. ita quod eum habeas coram Iuſtic' nr̃is &c. ad rñdend̄ tam nobis quam pref. W. quar̃ cum per nos & conſiliũ nr̃m ꝑ cõmuni &c. *vt ſupra vſque ibi*, ordinat̃ ſit, quod quilibet homo & feminia dicti regni noſtri, cuiuſcunque conditionis fuerit liberæ vel ſeruilis, potens in corpore, & infra ætatem ſexaginta annorũ, non viuens mercatura, nec certum exercens artificium, nec habens de ſuo ꝓꝓrio vnde viuere poſſit, nec t̃ram propriam circa cuius cultur̃ã ſe poterit occupare, & alteri non ſeruien-

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ens, ſi de ſeruiend' in ſeruicio cõgruo conſiderato ſtatu ſuo fuerit requiſitus, ſeruire teneatur illi qui primo duxerit requirend', & percipiat duntaxat vadia liberation, mercedes, ſeu ſalaria que in locis vbi ſeruire debeat conſueta ſunt prestar Añ regn' reg.E.3.20. vel annis communibus quinq; vel ſex præced' : Et ſi talis vir vel mulier, ſic de ſeruiendo requiſitus hoc facere noluerit, ſtatim capiatur & mittat proxim gaolæ,& ibid' ſub arcta moretur cuſtod', quouſq; ſecurit' inuenir' de ſeruiend' in forma pred', idem R. de condic' hmõdi exiſtens pſt. W. quãquã ipſe ad ſeruiend' eid' W. pro ſalario ſtatui ſuo competenti dictis annis cõmunibus precedent' conſ.ſepius requiſit' fuer,penitus ſeruir recuſ.in nri cõtemptum,& ipſius W. graue damnum, & cont' form' ord' præd', & habeas &c. Teſte &c.

¶ Et ſi le ſeruant ſoit reteine en tuer de ſeruer, & puis il voile departer de ſon Maiſter en temps de eſtate & ſummer, et de ſeruer en auter lieu, donq; ceſtuy a que il ſerue en tuer, añ a briefe de luy compell' de ſeruer luy en le temps de ſummer &c. que eſt tiel.

¶ Rex vic' &c. Si W. de C.&c. tunc pone I. de S. quod ſit &c. ad ñdend' tam nobis quam pred' W. de C. quare cum per nos & conſilium nr'm ,p cõmuni vtilitate regni nri ſtat. ſit,quod nullus ſeruiens cuiuſcunque ſtatus fuerit ſeu conditionis extra villam, vbi moratur in Hieme ad ſeruiend' alibi in eſtate, ſi ſeruic' in eadẽ vill' inuenire poſſit ſub pen imprisonamenti exeat',excepto qd' hoĩes in com' Staff. Lanc', & Darb.& de March. Walliæ tẽpore Auguſti ad laborand' in alijs com' venir' & ſaluo, ,put hactenus facer' cõſueuer', redire poſſint pſt. I. in ſeruic' ipſius W. apd' F. in Hieme nuper retentus, pd' W. ſeu alicui alij in vill' pd', quãquã ipſe ad ſerui-end' in eadẽ vill' ,p ſalario competenti ſepius requiſitus fuerit,ſeruire recuſauit,in nri contẽptũ,& ipſius W. graue dãpnũ,& cont' form' ſtatuti pd', & hẽas ibi noia pleg.& hoc bfe, Teſte &c.

¶ Les ſirs de vill',ou Juſtic' de peace poient commandr̃ bagarants al priſon,ſils ne voill' ſeruer, & ils poient commandr̃ le gaoler de eux leſſer aler alarge ſãs auk briefe.

¶ Et ſi home eſt retein en ſeruice, & alẽt hors de ſeruice bagarant , auk hõe ne puit cõpell' de ſuer &c. p ẽ que il eſt hors de ſeruice. ¶ Et iſſint ſi home reteine le ſeruant dun auter nient ſachant que il eſt reteine en ſeruice de auk, il ne ſerra punie pur ceſt,ſil ne luy deteine apres notice de ceo.

¶ Enſont

D ¶ Enfant dage de xij. ans serra lie per son couenant de seruer in husbandry. ¶ Et feme de tiel age serr̄ lie auxint de seruer in husbandry per sa couenant. ¶ Et si home pruis enf. ou auter seruant hors de seruice de auter, il serra punie, com̄t que lenf. ou seruant ne fuit reteiñ. ¶ Enf. serra lie p̄ son couenant de seruer in husbandry, com̄t que il puit expend̄ xl. s. ou x. markes per an.

E ¶ Et issint serra vn gentleman lie de seruer per son couenant, com̄t que il ne fuit compellable de seruer &c. Car si gentleman ou chaplein, ou carpenf, ou tielx queux ne serr̄ compel de serū &c. vn̄ sils font couenant ō serū &c. ils serr̄ lies per lour couenant, & action serra mainf̄ vers eux sur lour de parter.

F ¶ Et si home retein vn pur xl. iours de luy seruer, & auter puis luy reteine pur seruer p̄ vn an, le prim̄er couenant est defeat, pur ē q̄ le reteiñ ne fuit accordant al statut.

¶ Et issint si home soit retein de seruer a chesū temps q̄ il luy requise, ceo nest reteiñ accordant al statute: mes vn couenant, sil soit p̄ fait, et sans fait est void.

G ¶ Et hōe naūa acc̄ vs apprēctice sur sō depture sur lestat.

H ¶ Et si home reteiñ auter de luy seruer, & ne exprosse cōe longem̄t il seruera luy, donqs il seruera per vn an, car cest reteiner est accordant al statute.

¶ Et si home que nest sufficient de aū seruant, reteine vn de luy seruer &c. cest reteiner est void.

I ¶ Et cesty que nad terres sufficient de son soen de occupier, serra compel de seruer.

K ¶ Et home poit reteine vn per ij. ou iij ans, & est bon.

L ¶ Et deteiñ de lower de son seruant, ou de manger et boyer, sont bone rauses pur departer del seruice &c.

¶ Et issint pur baterie, & licēce de departer est bon cause de departer.

M ¶ Le sñior poit prender son villein hors de seruice de auter, sil ad besoigne de seruants, autrement nient.

N ¶ Et si feme que est seruant luy marie, vncore semble q̄ el doit seruer.

O ¶ Et si baron & feme sont reteine durāt les espousels &c. sils depart, acc̄ serra mainf̄ vs eux sur le statute &c.

P ¶ Si le seruant soy esloigne, le Master puit luy reprēdre & reteiñ manger son soen.

Q ¶ Et si la feme le Master bater le seruant, cest bon cause pur le seruant de departer &c.

96 ¶ Breue de restitutione temporalium.

BRiefe de restitutione temporalium gist en cas ou home A
espyrituel ē elect en Eueskz & sacr̄ &c. donqz il aūa bziefe
direct al eschetour &c. Et issint si abbey ou p̄oz, q̄ est de fou-
dac̄ le roy, & couiēt aū le royall assent le roy &c. quāt il est
eslieu & pfect abbe ou p̄oz &c. il couiēt saer bziefdest̄ restoē
as tēporalties de &c. Et le forme del br̄e pur pzioz est tiel.

¶ Rex eschaetori suo in Com̄ Deuon̄ sal': Cum venerabil'
pat̄ H. Exon̄ ep̄s electionem nup̄ fact̄ in eccl'sia conuētuali
de P. de dilecto nobis in xp̄o fratri I. de C. canonico eiusdē
dom⁹ in p̄or ē loci illius, cui prius regium assens. adhibuim⁹
& fauorem, cōfirmauerit, sicut p̄ literas patentes ipsius Epis-
copi nobis inde directas nobis cōstat: nos confirmationem
illam acceptantes, cepimus fidelitatem ipsius electi, & tem-
poralia prioratus præd̄ (prout moris est) restituimus eidem.
Et ideo tibi præcipimus, qd̄ eid̄ electo temporalia prioratus
p̄d̄ liberes in forma præd̄.

¶ Et p̄ cē bziefappiert, qñt pziozie ou abbey ē boiō, q̄ ē B
de foundac̄ le roy, q̄ ils couient aū le royall assent de Roy
de aler al elect̄, & apzes la elect̄ fait, leueskz couient confirm̄
cest elect̄ & de certifier le roy de ē south ses letr̄s, & sur ē le
roy de p̄nō sa sealtie &c. & donqz de grank cest bziek de resti-
tutione temporalium &c.

¶ Et est auk̄ bziek, qñt le roy grant solem̄t s̄ assent de a-
ler al elect̄ & de faire pzioz sans al. un certif. fait auant del
elect̄, & le bziek est tiel.

¶ Rex &c. Cū venabilis pater &c. dilectū nobis in xp̄o fra-
trem C. de B. canonicū eiusd̄ domus in p̄orē loci illius elect̄,
cui electioni prius regiū assensum abhibuimus & fauorem,
in priorem eiusd̄ loci p̄fecerit & pastorem, sicut per literas
patētes ipsius ep̄i nobis inde direct̄ nobis constat, nos pre-
fectionem illā acceptantes cepimus fidelitatem ipsius pre-
fecti & temporalia prioratus p̄d̄ &c. *vt supra.* C

¶ Et le pzioz issint eslieu & pzefect puir aū bziek hozs de
chanc̄ direct as r̄s del dit pziozie &c. que ils luy accept pur
lour pzioz & sñr &c. & q̄ ils soient attendants &c.

¶ Et lou als̄ pzioz ou abbe couient aū le royal assent de D
roy de aler al elect̄, & ont ceo opteiñ, & puis ils font electi-
on, & leueskz ē adnul, & puis il eux submit̄ en lag. & arbi-
trem̄t del ozdinarie, q̄ nosme a eux vn dest̄ pour &c. & luy
ait pzioz & certifie le roy de ē south ses letr̄s &c. donqz sur
est le roy luy grank tiel bziefe.

¶ Rex &c. Cū venerabilis pat̄ I.W. int̄ eps elect̄ nup̄ fact̄ in ecclesia S. D. iuxta S. de dilecto nobis in xp̄o fratre T. de N. canonico eiusdem domus in priorem loci illius cassauit: et virtute submissionis conuentus loci prædict̄ sibi fact̄ de prouidend̄ eidem prioratui de prior̄ idoneo illa vice, dilect̄ nobis in xp̄o fratrem I. de W. canonicum eiusdem proratus in priorem loci illius prefecerit & pastorem sicut per literas patentes ipsius ep̄i nobis inde directas nobis constat, nos cum eodem I. volent̄ agere gratiosc cepimus fidelitatem dicti I. de temporal' prior̄ illius prout moris est, restituimus eid̄. Et ideo tibi precipimus &c. *vt supra.* ¶ Et p cē brefe appiert, que ceo brefe est de special grace de roy: car le roy poit loyalm̄t refus. cest preter del prior, pur ē que il ne fuit elect accord̄ al licence le Roy de son assent de ceo &c. mes bn̄ le comen vse est, q̄ fils ne poient agree en election &c. de eux submitt̄ en ag. del ord̄ &c.

E ¶ Et est auk̄ brief de form̄, lou le roy grāt s̄ royall assēt dals̄ chapit̄ dister eueskz &c. & ils eslie vn del chapit̄, & pur ē q̄ larchieueschie est void, le gardein d̄s espiritualties doit certifie cest elect̄ al roy & s̄ confirmat̄ sur ceo, & sur ē le roy grantet̄ bē de restitut̄ ē tiel forme. ¶ Rex &c. Cum dilect̄ nobis in xp̄o prior & capitulū eccles̄ie xp̄i Cant̄ custod̄ spualitat̄ archiepiscopat̄ Cant̄ sede vacante, electionem nuper celebrat̄ in eccl'ia cathed̄ mouend̄ de discreto viro magistro H. de H archidiacano induend̄, & canonico eiusd̄ eccl'ie in ep̄m loci illius, cui prius regium assensū adhibuimus & fauorem cōfirmauūint, sicut p literas patentes ipsorum prioris & capituli nobis inde directas nobis constat, nos confirmationem &c. *vt supra*

F ¶ Et deuāt lestat̄ de p̄munire, le roy puit seisier les tē-porals des Eueskz, sil autent a cē p̄ p̄uisiō de pape, mes ore il forfeitra touts les fres & bns p le stat̄ d̄ an̄ 16. R. 2.

G ¶ Et appiert p le Regist̄ si eueschie de Ireland soit void q̄ ils suet̄ al roy cy en Engl' de aler al elet̄ de auk̄, & apres le elet̄ fait, ils content an̄ s̄ assent royall de cest election sur certification de ē election fait al roy: & sur ē brief serra direct hors del chanc̄ iens al chief Justice de Ireland, ou a son lieutenant, reherſant tout cest matter, luy cōmaund̄ de prender le fealtie del Eueskz, & de luy restore ses temporalties: mes ore le cours est en Ireland de faire tiels brefes la, & en nosme le roy: Mes le roy nosme les Eueskes ils, & auxy en Engletre, & donqs le chapt̄ eslie̅ cesty q̄ le roy

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ad nosm̃ a eux, & sur c̃ les bres sont faits de cours. ¶ Mes comt & en q̃l man̄ les Archeuesqz & Euesqz serront oze esliues, nominat, psentes, muestes, & consecrate al dignitie et offic̃ Darcheueschie, ou Eueschie, veies le stat de ceo ent fait añ regni inuictiss. Regis H.8.25.c.2 **Et le Roy puit doñ power a vn auter de doner le assent de aler al election &c. pur le Roy, & auxy de certifie cest election a luy arere, & sur ceo de prenḋ le fealty del Pryor ou Abbe, ou del Euesqz, et de certifie le Roy de ceo en son Chanc̄, et le bziefe de Dedimus potestatem serra tiel.** B

¶Rex dilecto suo I. de C. Constabulario suo Castri sui de B. sal'. Compatientes paupertati dilectorũ nobis in Christo supprioriss̄ & monialium Priorat̄ de B. vacantis p̄ mortem bonę memorię M. nuper Prioriss̄ę loci illius, cui licentiã nuper concessimus eligend̄, ac volentes ipsarũ laboribus & expens. p̄cere gratiose, dedimus tibi potestatem prebend̄ assensum regium vice nostra electioni de futura Prioriss̄a in dicta ecclesia facta seu in proximis faciend̄. Et cum electio hm̃odi p̄ literas patentes ipsarum supprioriss̄ę & monialium cum sigillo capituli sui signatas nobis inde directas, tibi fuerit p̄sentata ad hm̃di assensum loci diocesano p̄ vestr̄ lr̄as significand̄, vt qd̄ suum est vlterius exequatur, necnon recipiend̄ fidelitat̄ nomine nr̄o eiusd̄ Prioriss̄ę, si contingat electionem p̄dict̄ canonice confirmari, & tibi inde per literas patentes ipsius diocesani nobis inde directas constiteris, & ideo vobis mandamus, quod circa præmissa facias in forma p̄d̄, & nos de fidelitate p̄d̄ cum illam ceperis sub sigillo vr̄o distincte & aperte reddas certiores, mittent̄ nobis tam lr̄as ipsarum supprioriss̄ę & monialium quã lr̄as ipsius diocesani supradict'. Teste &c. vis.

¶ Et si le Deane & Chapt̄ ale al election del Euesqz sans assent de Roy, & certifie ceo al Roy, oze le Roy puit eslier sil voile assent a cest election ou non. Et sil voit̄ doñ son royal assent a ceo, donqz il maund̄ especiall bziefe al ast̄ person de prend̄ le fealtie de luy &c. Et le bziefe en le Regist̄er **est tiel.** C

¶Rex dilecto & fideli suo I. Iustic' suo Hibern̄ sal'. Cum dilecti nobis in Christo Decanus & Capitulum Ecclesiæ de B. vacañ nuper Ecclesia sua p̄dict̄ per mortem bonæ memoriæ Lucæ nuper Ep̄i loci illius, dilect̄ nobis in Christo M. I. Decanum Ecclesiæ p̄dict̄ in suum Ep̄m eligerunt & pastorem, & nobis per suas patentes literas supplicauerunt, vt electioni regium assensum adhibere dignaremur: Nos licet idem De-

canus & capitulū prius a nobis eligendꝫ liceñ nō poſtulauerint vt eſt moris, volentes tñ eis hac vice gr̃am facere ſpecialē, eidꝫ electioni regium aſſenſū duxerimus adhibendꝫ, nolentes, qꝫ quāuis ipſi hm̃di licentiā minime poſtulauer̃ moleſtētur in aliquo ſeu grauētur: Volentes inſup eidꝫ electo vt ipſius ꝑcat̃ laboribus & expenſ. grac' tac' vberiorem, vobis dedim⁹ poteſtatem, qꝫ ſi contingat electioñ hm̃i ꝑ loci metropolitañ canonic' confirmari, & vobis inde ꝑ litetas pateñ loci ipſius metropolitañ nobis inde direct̃ conſtiterit, tunc fidelitat̃ ipſi⁹ electi nobi debitam in hac ꝑte nr̃o nomiñ recipiatis, & ei tēporalia epiſcopatus illius ꝓut moris eſt reſtit̃ faciatis vice nr̃a, receptis prius ab epiſcopo elect' literis ſuis factis ſigillo ſuo, & ſigillo capit̃ ſui ſignatis, quod gratia nr̃a, quam eidem electo ad præſent̃ ex mera liberalitate nr̃a fecimus, nobis vel hæredibus nr̃is non cedat &c. Teſte &c.

97 ¶ Licence de aler al election.

D ET le fozme de licence le roy de aler al election eſt tiel.

Rex dilectis ſibi in xp̃o priori & conuentui monaſt̃ de Burg. S. Petri ſal'. Et parte veſtra nobis eſt humilit̃ ſupplicatum, vt cum eccleſia veſtra prædict̃ per mort̃ bon̄ memorię W. vltimi abbatis loci illius paſtoris ſit ſolatio deſtituta, alium vobis eligendi in abbatem & paſtorem eiuſdem domus licentiam vobis concedere dignaremur, nos precibus veſtris in hac parte fauorabiliter inclinati, licentiam illam vobis tenore præſenc' duximus concedendꝫ, mandantes quod talem vobis eligatis in abbatem & paſtorem, qui deo deuotus, eccleſ. veſtr̃ predict̃ neceſſarius, nobiſque regno noſtro

E vtilis & fidelis exiſtat. In cuius rei &c. ¶ Et quant ils ont fait lour election, ils conient ſuer bziefe de auer le royall aſſent del roy a ceſt election, & ceo aſſent ſerra fait ꝑ bziefe direct al cueſqꝫ del dioceſ. q̄ ſerra tiel. ¶ Rex venabili in xp̃o patri P. eadē gratia epō Linc' ſalut. Sciatis qꝫ electioni nuper fact' in Eccleſia conuentuali monaſterij de B vr̃e dioceſ. vacañ ꝑ morrem bone memoriæ W. vltim̃ abbatis loci illius de M. ſupprior̄ eiuſdem domus vel de fratre B. monacho eiuſdem domus in abbatē loci illius regiū aſſenſum adhibuimus & fauorem, & hoc vobis tenore p̄ſenc' ſignificamus, vt qꝫ veſtrum eſt in hac parte exequamini.

F ¶ Et le abbe quāt il eſt fait abbe, il poit ſuer lettꝛs pat direct a ſes ꝛs, rehearſ. com̃t il eſt fait abbe, & com̃t le roy ad luy reſtor̄ a ſes tempozalties eux commaund̄ q̄ ils ſoient a luy attendants, come a lour ſeñr.

Bziefe

98 ¶ Decies tantum.

BRiefe de Decies tantum gist ou alē de iurē q̄ est iure pris dun party ou del auter, ou de ambiō pur dire lour verdit &c. ore cesty que voit suer laction auera cest brief, car cē vn acē populer. Et le brief ō Decies tm̄ gist vers toutz les iurors, come que ils pris̄ seueral summes de money, come ascuns plus & ascuns mems &c. ¶ Et Decies tantum gist vers imbraceor sil prist mony, cibñ come vers iurors, autment nient.

A

¶ Et imbraceor est cestuy q̄ vient al barre ouc le pty, & ple en le matt, ou estoit la a surueyer le iury &c. ou de eux mitt en pauour: mez hões erudits ē ley potent pler en t' cāe pur lour mony, mes ils ne potēt labour le iury, & sils preign̄ money a faire ceo, ils sont imbraceours.

B

¶ Et Decies tantum ne gist vs imbraceor, sil imbrace & ne prist money, car il couient prēō money, & aury imbrace, si faction serra maintenu ¶ Et Decies tantum gist vers les iurors, com̄t q̄ ils ne donē verdit, sils pris. money.

C

¶ Et issint sils done voier verdit, Decies tantū gist, sils pris̄ money.

¶ Et Decies tantum poit estre sue vs les iurors & imbraceors, Et poit este sue deuant Justic̄ de Nisi prius per bill, & poit estre adiorn̄ illonqs in banke, Et le forme del brefe est tiel.

D E

¶ Rex iust. suis de banco sal'. Cum in statuto nostro apud W. añ regni nr̄i vedito, inter alia ordinatum sit & statut̄, qd' si aliquis iurator in assiuratis, vel inquisic' capiat de vna pte vel de alia, & sup hoc debite cōuincatur, qd' extunc non ponatur in assiuratis, nec inqsic', et nihilomin⁹ committat̄ prisonę, et vlterius redimat̄ ad voluntat̄ nr̄am, ac S. et W. nup in quadā inquisic' int̄ A. petent̄ & R. tenent̄ de vno messuag. cum pt̄in̄ in N. coram vobis in banc' p̄d̄ capiend̄ positi, tam de p̄d̄ A. quā de p̄f. R. contra form̄ statuti p̄d' cepe-, vt accepimus, nos statut̄ illud inuiolabiliter volent̄ obseruari, vobis mandamus, quod vocatis coram vobis præf. W. & S. si vobis constat̄ poterit ipsos in inquisition̄ p̄d' positos fuisse, & tam de prēd' A. quam de præf. R. cepisse, vt p̄d̄ est, tunc inspecto statuto p̄d' vlterius inde fieri faciatis quod de iure & secund̄ form̄ statuti præd' fuerit faciend'. Teste &c.

¶ Et sur ē brefe les Just. serra proces pur le roy vs l' party sur le stat̄, quel brefe serra vn Pone (come semble) ō attacher luy de appere &c. a respond̄ al roy de ceo.

F

G ¶Et ast auter forme del briefe pur le party, sic.

¶Rex vic' &c. Si W.H. fecerit &c. tunc pone &c. I.S. I.F. & W.K. &c quod sint coram nobis a die sancti Michael' in tres septemanas vbicunque tunc fuerimus in Angl', ad resp̄ tam nobis quam præf. W. H. quare cum in parliam̄t dñi Ed. nuper regis Anglie &c. apud Westm̄ anno regni sui tricesimo octauo tento, int̄ alia concordatum existat, quod si aliqui iuratores in assisis, iuratis, & alijs inquisitionibus capiend̄ inter nos & partem, vel partem & partem quicquam capiant per ipsos vel per alios de parte conquetente vel defend̄ pro veredicto suo dicendo, et super hoc per processum in quodam articulo de iuratoribus an̄ regni eiusdem aui nostri tricesim̄ quarto facto ordinat̄ conuincat̄, siue sit ad sectā partis que pro seipsa vel pro nobis, aut alterius cuiuscunque personæ prosequi voluerit, soluat quilibet iuratorū præd̄ decies tantum quantum ipse receipit, & habeat ille qui faciet sectā, vnam medietat̄, et nos aliam medietat̄. Et qd̄ omnes imbraciat̄ ducend̄ vel procurand̄ tales inquisic' in patria p̄ lucro vel proficuo capiend̄ puniant̄ eod̄ modo & form̄ sicut iuratores, et si iurat̄ vel imbraciator ita conuictus, non habeat vnde in forma præd̄ satisfaciat, habeat prisonam vnius anni, prout in ordinac' illa plenius continet̄, pręd̄ I.S. I.F. & W.K. iuratores in quad̄ inquisic' que nup̄ sum̄ fuit & capta coram Iustic' domini Ric' nuper regis Angl' secundi post conquestum, de banco apud West. p br̄ ipsius nuper regis de record' int̄ R.F. & præd' W.H. de auerijs ip̄ius R. captis et iniust̄è detentis, vt dic', positi, pro verdicto suo in hac parte dicend̄, ac p̄f. W.D. de L.I. imbraciatores eiusd' iurate ad eam ducend̄, & procurād̄ de p̄d̄ R. diūlas pecuniar̄ summas, et alia dona apud villam Westm̄ ceperunt, in n̄ri contemptum, et ip̄ius H. graue damn̄, et contra formam ordinationis præd' & habeas ibi noīa pleg. et hoc breue. **Et ambdex̄ est cestuy iuroz ou embzaceoz, q̄ pzent de lan pty et de lauk, a rend̄ x. foits tant &c.** Et veies les stats an̄ 27. E. 3. ca. 3. et ann̄ 34. E. 3. ca. 8. et ann̄ 38. E. 3. ca. 12.

99 ¶Brife de Champerty.

I BRiefe de Champerty gist ou home p̄ couenant ou agreēmēt fait per escript ou p̄ parol, q̄ il aūa pcel de chose ou terr̄ ou det q̄ est en suit, que serra recou̇ &c. sil recouer, pur faire maint̄ e luy aid̄ en laction et matter, pur q̄ il sue &c.

ore

que cestuy q̄ est greue aũa cest act̄ vers luy q̄ maint̄ laction par cest intent, & le briefe est tiel.

A ¶Rex Iusticiarijs suis de banco sal'. Cum int̄ ceteros articulos quos dñs E. nuper Rex Angl' &c. ad emendac' status populi regni sui concess. ordinat̄ sit, quod nullus minist̄ suus, nec alquis alius p̄ parte rei que est in placito habenda, negotia que sunt in placito sibi assumat manutenenda, nec aliquis ius suum sub hm̄di conuentione alteri dimittat: ac L. placit̄ loquelę quę est corā vobis per br̄e nostrum int̄ A. pet̄t̄, & B. tenent̄ de vno mes cū pertinent̄ in I. p̄ parte eiusd̄ mes. habend' iā assumpserit manutenend' cont̄ form̄ ordinationis p̄d' vt accepimus, nos ordination̄ illam volent̄ inuiolabit̄ obseruari, vobis mandam⁹, qd' inspecto tenor̄ ordinac' p̄d', vlteri⁹ inde fieri fac' qd' de iure & scd̄m form̄ ordinac' p̄d' fuerit faciend. Teste &c.

B ¶Et sur t̄ les Justic̄ agard̄ vn briefe de Attachm̄t vers le pty hors de cōmon bank̄ ac retornable a cert̄ iour &c.

C ¶Et cest suit serra dit le suit le roy &c. mes vnt̄ le party poit suer briefe originall hors de chanc̄ vs cestuy que purchas parcel del tre pend̄ le plee pur maint̄ &c. & lestat̄ q̄ don̄ lact̄ est le stat̄ de Ar̄ super cartas ca. 11. q̄ voit q̄ nul minist̄ ne nul aut̄ pur part aũ dez chos q̄ sont en plee, emprent les besoigns q̄ sont en plee, ne nul sur tiel couenant son droit ne less. al aut̄: & si alcun face, & de ceo soit attaint, soit forfeit & encurru deũz l̄ roy des bns & des terres le pnor a la value de tant cōe sa part de son purchase p̄ tiel emprise amoũtet̄.

¶Et per ceux paroit semble que cestuy que less. la terre pend̄ le plee ou don̄ parcel del tre pend̄ le plee, serra puny sibn̄ come cēp q̄ est le purchasor.

D ¶Ań 30. E. 3. li Ass. nest plee a dire que il ne purch, pend̄ le plee &c. per quas il semble si purchase auant le briefe sue pur maint̄ &c. que il serr̄ puny &c. per lestat̄, Tamen quære, car 19. R. 2. est tenus per tout la Court: si home bargaine par asun terre per fait, et puis action est port pur m̄ la tr̄, et pend̄ laction il fait estate a cesty, a que il ad fait le bargaine, que ceo nest champerty.

F ¶Surrend̄ fait a cesty en reũs. pend̄ le plee ne serra dit champertie.

E ¶Et si home purchase la terre bona fide pend̄ le briefe, et nemy pur maint̄, ceo nest champerty.

G ¶Et disseisor en Ass. aũa briefe de champerty, si le disseisi grant part de cest per couenant pur maint̄. &c.

H ¶Et home poit doner a son fits en frankmariage, ou a

terme de vie, come ſemble, & ne ſerra dit Champertie, car l ſtatute en le fine voit & dit, en tiel mañ: Mes ceo neſt a entendū que home ne poit aū counſel des countoꝛs & des ſage gents pur ſon donant, ne de ſes pꝛochein amies.

I ¶ Et en bꝛe de Champerty Añ 17. E. 2. lou le bꝛ abatep faux latin, le def. fuit mis a rñō al ſuit le roy ſur t matter.

K ¶ Et ſi home grant rent hoꝛs del terre penō laction pur la terre, ceo eſt Champertie, coment q̄ ceſt rent ne ſoit en demaund &c.

L ¶ Et Champerty giſt cibñ ſur couenāt fait p parol &c. cōe ſil fuit per eſcript, daū parcel del choſe &c.

M ¶ Et ſi le couenant ſoit fait dauer rent hoꝛs dauť terre, q̄ neſt en ſuit, ceo nē Champtie &c. mes ſil mainť &c. il aña bꝛief de Mainť vers luy p ceo & nemy bꝛe de Champertie.

N ¶ Et ſi les offiť de aſcū court mainť aſcun plē penō en lour court pur aū part de ceo, ou auť ꝓfit per le reť en ycel acť, le pty grcuc aña tiel bꝛief. *Sic.* ¶ Rex vic' &c. Si R. & M. vxor' eius fꝛcerint &c. tunc pone &c. I. & W. ball' ciuitať nꝛę Wintoñ, W. & W. quod ſint coram Iuſticiaꝛ &c. oſtenſ. quare cum de communi conſilio regni noſtri prouiſum ſit, quod nullus miniſter noſtꝛ vel aliquis alius manuteneat placita, quærelas, vel negoꝛia, quæ ſunt in curijs nꝛis vel alibi de terris & teñtis, aut alijs rebus quibuſcunq; ꝓ parte rei petiť, vel alio ꝓficuo, p conuentioñ factť inde habendť, nec aliquis ius ſuū ſub hmōdi conuentioñ alteri dimittat, prædť I. & W. W. & W. quoddā placiť fuit cꝛ forc', qd eſt coram Maioꝛ & dictis ball' ciuitať pdť inter S & A. vxor eius petent, & pꝛeſ. R. & M. tenentes de vno meſ. cum ptiñ in ciuitať prædť pro pte teñti prædť, & alio ꝓficuo inde habendť per conuentioñ iam aſſumpſerint pro pꝛaef. S. & A. manutenendis et manutenent, ad gꝛaue dampnum ipſoꝛum R. & M. & contra formam ſtatuť pdť, & habeas &c.

100 ¶ Briefe ſur ſtatute que nul ſoit Vitailer pur le temps que il eſt Maire, or Vicont, ou head officer de citie ou boꝛough.

NOta q̄ per le Stať de Yoꝛke, q̄ nul Vitailer vſeť le occupation de bender vitaile, ou vine, en groſſe, ou a retail, eo longement que il eſt en office en aſcun vill', boꝛough, ou citie, de gaꝛder laſſiſe de pane & vine, ſur pane de foꝛf. &c. Si home que eſt Vitailer eſt eſlieu deſtre Maire, vicont,

ou

ou auter miniſter de bozough, ou citie, que auera poẅer de garder laſſ. per reaſon de ſon office, oze per leſtatute de añ 3.H.8.ca.8.eſt ozdeigne, q̃ ẏ. diſcreet perſons de m̃ la vill', que ne ſont vitailers, ſoient eſlieus & iurus veraũt de aſſeſſer laſſ. de paine & vine, & vitail', durant le temps q̃ il eſt en m̃ office: et dõq̃ aps le pzice aſſeſſe de vine & vitaile pur le temps, il ſerr̃ loyal a ceſtuy q̃ ẽ eſlieu Maire, ou vir̃, ou officer, de vendr̃ vine & vitaile pur le temps q̃ il eſt officer. Mes ceſt ſtatute ne extẽd a Lond, Yozke, ne Couẽtry pur vend a retail' vine ou vitail': Mes en groſſe ils poient.

¶ Et p leſtatute de R. le 2. añ 6. cap. 9. eſt ozdeigne, que Vitailers ne ſoient eſlieus al offices de Judge en ville & citie, mes pur default de auters, & donques ils ne vendera vitailes ſur peine de foꝛf. &c. A

¶ Mes appiert per leſtatut de añ 3.H.8. auantdit, q̃ux choſes ils poient faire.

¶ Et ſi aſr̃ home en Lond, Yozke, & Couentrie, ou en auter lieu offend̃ encontr̃ ceux ſtatutes, donq̃ ceſty que eſt greue poit ſuer bꝛiefe direct as Juſtices daſſ. eux cõmand̃ de maunder par les ꝑties, & de faire dꝛoit &c. ou le partie greue poit aũ Attachm̃t vs lofficer, Maire, vir̃, ou bailie, q̃ux offend̃ le ſtatute, de appear̃ deuant les Juſtices le roy de bank, ou deuãt le roy en s̃ bank, de reſpondr̃ a cẽ matr̃, & le foꝛme del bꝛiefe direct as Juſt. daſſ. eſt tiel. B

¶ Rex dilectis et fidelibus ſuis A. & B. Iuſtic' ad aſſiſas in com̃ tali capiend' aſſigñ ſalutem. Cum ad communem vtilitatem populi regni nr̃i ſtatutum ſit, quod nullus miniſter in ciuitatibus, nec in burgis, qui ratione officij ſui debeat cuſtodire aſſ de vinis, ſeu de victualib⁹, dum ſit intẽdens hm̃odi officio, merchandizet de vinis nec de victualibus in groſſo nec ad retalliam. Ac iam R. de B. nobis dederit intelligi, qd̃ S. & M. balliui villæ præd', & quidã alij balliui in dicta villa de S. exiſtentes, qui ratione officij ſui hm̃odi aſſiſam cuſtodire debent in eadem villa, vina & victualia in groſſo & ad retalliam vendunt, contra formam ſtatuti predicti: Nos ſi ita ſit, remedium in hac parte apponi volentes, vobis mandamus, quod audita inde quærela p̃d' R. & vocatis partibus coram vobis, earumq; rationibus hinc inde auditis, & inſpecto tenore ſtatuti prædicti, eidem R. tam pro nobis quam pro ſeipſo ſuper hoc debitam iuſtitiam fieri faciat̃, prout ſecdm ſtatutum p̃d̃ foret faciend̃, Teſte &c.

¶ Et ũ iacr̃ ſoit pꝛiſe ſur le ſtatute de Ebor̃, donq̃s ceſty que C

que ſur lacõ auera le tierce pt, le Roy le reſidue del vitaile forfait. Et auxy la forme del briefe de Attachmt eſt tiel.

D ¶ Rex Vic' Eborũ ſalutem. Pone &c. P. de T. de Richmond nup ball' vill' Richmond, qd' ſit corã nobis &c. oſtẽſ. quare cum ad cõmunem vtilitatem regni nri Angl' de communi conſil' eiuſdẽ regni concordat ſit, qd' nullus miniſter &c. ad retalliam ſub forisfactura eorũdẽ, præd' P. dum ball' dictæ villæ de Richmond extitit, de vinis & alijs victualibus diuerſis ad valentiam centũ librarũ in præd' villa Richmond, tam in groſſo quam in retallia pluries marchandizauit, et ea ibm̃ vendidit, vt dicitur, in noſtri contẽptum manifeſtum, & dicti populi noſtri graue damnum, ac contra formam ordinationis ſupradict, & habeas &c. Teſte &c.

101 ¶ Briefe ſur ſtatute de Articuli Cleri, quod non diſtr̃ en glebe des Parſons, ne en le roial chimin.

F BRiefe qd̃ diſtr̃ ne ſoit pris en les glebes de perſons per Vic̃, ne auters miniſters, eſt foundue ſur le ſtatute de Articuli Cleri cap. 6. p q̃l eſtatute appt, q̃ le vic̃ ne auẽt pſon ne diſtr̃ en le hault chimin le Roy, ne en les glebes dones daunciẽt tẽps as Rectories &c. Et ſi alcũ vic̃ ou auẽt pſon fait le contrarie, donqꝫ il q̃ eſt diſtreinꝫ poit ſuer ceſt briefe.

E ¶ Et ſi lay perſon ſoit diſtr̃ en le royal chimin le Roy &c. il aũa action ſur leſtatute de Marleb. Mes eſpirittual perſon auera acõ ſur ceſt ſtatute. Mes p ſtatute de Marleb. les miniſters le Roy povent diſtr̃ en le hault chimin, & aps le briefe deliũ al vic̃, ſil diſtreine arere, il aũa Alias, & Pluꝛ, & Attachment ſur ceo. Et ceſt briefe eſt vn phibition en luy meſme al vic̃ &c. Et le briefe eſt tiel.

¶ Rex Vic' ſalutẽ. Cum in Articulis prælatis & clero regni nri per dñm Ed. nuper Regem Angl' auum nrum, de aſſenſu procerum & magnatum regni noſtri conceſſ. contineatur, quod diſtrictiones non fiant ſup Rectores per vic' aut alios miniſtros noſtros in via Regia, aut in feodis quibus olim eccleſiæ ſint dotat, ac iam ex graui querela dilecti nobis in xpo Abbatis de Valle regali, pſonę eccleſię de K. intellexerimus, qd' tu colore officij tui terras & tenta quæ ſunt de dote & feodo eiuſdẽ eccleſiæ apud K. nup ingreſſus fuiſti, & præfatum Abbatem in terris & tenementis prædict' grauiter diſtrinxiſti, & inde diſtringere non deſiſtis, in ipſius Abbatis

batis præiudicium, & libertatis eccleſiaſticæ leſion̄ manifeſtam, et contra formā articulorū p̄d': Nos libertates eccleſiaſticas illeſas obſeruare volentes, Tibi præcipimus, quod diſtrictiones aliquas in terris & tenētis quæ ſunt de dote p̄d ecclesiæ nullatenus facias, nec quicquā qđ in libertatis eccleſiaſticę leſionem aut cneruation̄e articulorū pręd cedere valeat attemptetis, et diſtrictionē ſi quam præt. Abbati in feod ecclesiæ ſuæ p̄d, vt p̄dictū eſt, feceris, ſine dilatione relaxes eidem. Teſte &c.

¶Et il ſemble q̄ le party que eſt diſtr̄ē le hault chimin le Roy, ou Parſon en le glebe de ſa eſgl' auera Attachment vers le viē, ou auſi que diſtr̄ē, com̄t que ils ne vnqz fuer eſt briefe de prohibition direct auant le vicont, pur t̄ q̄ le ſtatute eſt p̄hibit̄ en luy meſme al vicont &c. A

¶Et per leſtatute de Articulis ſup chartas cap. 12. le viē ne doit faire exceſſiue diſtr̄ē pur det le Roy, ne q̄ il diſtr̄ē per beaſts de ſa carue, ſil poit troue auters, ne q̄ il admeſn̄ eux trops longe, Et ſi le ptie voil' troū ſuertie de paier al viē le det le Roy denāt le iour de ſef de briefe, le viē ſra deliuery arere des beaſts. Et ſi le viē fait autrem̄t que eſt exp̄reſſie e le dit ſtatut, le pty auera Attachm̄t vs luy ſur ceſt ſtatut, ou poit ſuer vn briefe direct al vicont, luy inhibitant q̄ il ne diſtreine encōter le forme del ſtatute, e le briefe eſt tiel. B

Rex Vic' Deb. ſalutem. Cum inter cętcros articul' quos celebris memoriæ dñs Ed. quondā Rex Angl' auus noſter, ad emendac' ſtatus populi regni ſui ordinauit, continetur, quod nimis graues diſtricc' non capiantur pro debitis nr̄is, Et ſi debitor poſſit inuenire ſufficient̄ ſecuritat̄ pro debit̄ ill' vſq; ad vnum diem infra diem vic', qđ diſtricc' hm̄di interim relaxetur: Tibi p̄cipimus, qđ' ſi l. de W. ruener̄ tibi ſufficient̄ ſecuritat̄ de int̄ nobis ad proxim̄ p̄ſentem tuum de centū ſolid, per quos finem fec' nobis coram Iuſtic' nr̄is de banco p̄ licenc' concord in vno bricui de conuentione, & quos ab ipſo p ſum̄ Scacar̄ nr̄i exigis, vt dic', tūc diſtrictioni quam eidem W. facis occaſione præd' interim ſuperſed per ſecuritat̄ ſupradict̄, et habeas ibi hoc br̄e, Teſte &c.

¶Et eſt auter forme de briefe en tiel caſe, *ſic:*

¶Rex Vic' &c. quod minus grauis diſtrictio non capiatur pro debito noſtr̄, nec nimis remot̄ ducatur. Et ſi debitor inuenire poſſit ſufficient̄ & competent̄ ſecuritat̄ de debito illo vſque ad vnum diem infra diem vic', infra quem debitor ſibi inde remedium acquirere valeat, vel alias de debito C

illo

illo ſatisfact', qd' district' huiuſmodi interim relaxetur: Tibi pręcipimus qd' ſi I. de T. quem pro octo ſolid nobis ſoluend de exitibus tuis coram nobis, & alibi coram Iuſtic' noſtris forisfact virtute ſum ſcaccarij noſtri tibi direct' diſtringis, vt dic' inuenerit tibi ſufficient ſecuritat. iuxta form articulorũ pd', p debito pd' vſque ad vnum diem infra diem tuũ adquẽ tu teneris inde computat : tunc diſtrictionem, ſi quam eidẽ I. occaſione prænill. fieri feceris interim relaxes eidem pro ſecuritate ſupradicta, Teſte &c.

102 ¶ Brefe pur ſeiſer terre la feme que tient en dower, que luy marie ſans licence le Roy.

℄ NOta ſi tenant que tient de Roy en chiefe deuie &c. ſa fem̃ ne deuer̃ luy marier ſans licence le roy, & ſi el fait, donques le Roy doyt ſeiſer ceux terres que el iſſint tient en dower, tanque el ad fait fine oue le Roy, q̃ eſt communem̃t al value del terre p an, q̃ el iſſint tient en dower, & ceo eſt p le ſtatute de Prærogatiua Regis cap. 3. Mes appiert per le Regiſter, q̃ le Roy deuer̃ ſeiſer cibñ la terre le baron come la terre la feme, q̃ el tient en dower.

℄ Et p meſme le reaſon, ſi la feme ad auter terre de ſa inheritance demeſne ouſter la t̃re q̃ el tient en dower, que le Roy ſeiſera ceo terre auxy. Et le briefe en le Regiſter de ſeiſer la terre eſt tiel.

¶ Rex Eſchaetori ſuo, Quia Margareta, quę fuit vxor Edmũdi baroñ Staff. defuncti, qui de nobis tenuit in capite, ſe ſine licentia nr̃a aut dilecti & fidelis nr̃i Radulphi Baſſet, cui id quod ad nos pertinuit de maritagio pd' conceſſim⁹, Thome de P. maritauit, ſicut ex quærela ipſius Radulphi accepimus: Vobis mandamus, quod ſi ita eſt, tunc omnes terras & tenta, tam ipſius Thome quam pr̃d' M. in ball'iua v̄ra ſine dilatione cap in manum noſtram, & ea ſaluo cuſtodire fac', donec aliud à nobis inde habueritis in mandatis, Teſte &c. per conſ.

D ℄ Et appiert per ceſt briefe, que le Roy poit graunter le mariage de ſes wydowes cibien come de ſes gardes, & que la feme poit agree oue ceſtuy, a que ſa mariage eſt graunt, & per ſon aſſent ou licence ſi el marrie, il ſemble q̃ el ne paiera fine, & ſi el marrie ſans licence &c. donqs ceſtuy que luy marrie fait tort al Roy, ou a ceſtuy a que le Roy ad graunt le marriage, & pur ceſt tort ſemble q̃ ceo fuit la cauſe

cause, pur que le roy seiser la terre cestuy q̃ marrie la wi dow le Roy sans licence &c. ℂ Et appiert per le Regiſter q̃ le dit Thomas P. poit agræ oue le dit Raphe Basset, per que le Roy amoue ſes maines, vt patet Roſ clarum de Anno 8.Edw.2. Mes il semble a moy, que le roy ne deuer̃ seiser, mes solem̃t les terres que el tient en dower, pur ceo q̃ le statute ne done pluis, mes que il seiser̃ ceo q̃ el tient en dower, car si el ne voile claime ne suer pur dower, il semble que el ne fra fine, ne riens serra seisi de sa terre. Et auxy il semble a moy, que le roy nad droit de marier ou graunter le marriage de ſes nieſes, come il ad de ſes gard, car si el voile viuer ſole & ne marier, el poet bien illint fair̃ et ne fra fine come semble. Quære.

103 ¶ Briefe ſur le ſtatute de anno 1.E.3.cap.12. & 13. Lou tenant le roy alien ſans licence.

NOta lou le tenant le roy que tient de roy en chiefe come de ſa Coronе, alien la terre que il tient illint de luy a terme de vie, ou en taile, ou en fee, ſans licence le Roy, donques le Roy doit ſeiſer la terre pur fine &c. Mes ſi home tient de Roy come deſcun honor ou caſtle, ou manor, en ſa maine eſteant, que il ad per diſcent de aſcun collaterall anncſtor, & le tenaunt alien *vt ſupra* la terre ſans aſcun licence fait a luy per le Roy &c. donqs ſi le vicont ou eſchetor voile diſtrain̄ ou diſturbe le poſſeſſion le alienee &c. il aura briefe ſur ceo ſtatute fait Anno 2.Edw.3.cap.13. quel briefe ſerra tiel.

¶ Rex Eſchaetor̃ ſuo vltra Tren, vel Eſchaetori ſuo in com̃ S. ſalutem, Cum de communi conſilio regni noſtri ſtatutum ſit, Ne quis occaſione acquiſitionis terrarum ſeu tenementorum, quæ de nobis vt de honoribus tenentur in capite, licenc' progenitorũ noſtrorum quondam Regũ Angl', ſeu noſtra ſuper hoc non optenta fac' occaſionentur: Vobis mandamus, qd̃ R. filium I. de C. capellanum occaſione acquiſitiõ quam tempore domini Edwardi nuper Reg. Angl' fec' Robert̃ de Saũby Milit̃ de vna bouat̃ terr̃ cũ pertiñ in E. que de nobis vt de honore de T. tenent̃ in capite vt dic', ſi de nobis ſic teneant non occaſionetis contra formam ſtatut̃ ſupradict̃, Teſte &c.

ℂ Et ſur ceo il ſuer̃ Alias & Plur̃, vel cauſam nobis ſignifices

ſignifices &c. Et ſur ẽ Attachmt vs leſcheto⁊, ou vi⁊, ſils luy diſtreine ou diſturbe a⁊⁊es ceſt bꝛe a eu⁊ direct, ſi les fres ſont tenus come auant. Mes il appiert p ceſt bꝛiel, q̃ home puit tener de Roy in Capite, come de aſcun hono⁊, mes ceo eſt encounꝰ le Regiſter, en le commencemẽt del Regiſter, come appiert per le bꝛieſe de Pꝛecipe in capite, mes cõmon vſe a ceſt iour eſt, de pꝛendꝛ fine de ceſtuy home que tient de Roy, cõ: de alꝛ hono⁊, q̃ eſt le aũcient enheritance de roy q̃ alien ẽ fre en fee ſans licence le Roy. Mes quære que ſerra fait de dꝛoit en ceo caſe.

104 ¶ Breue quod Clerici non eligantur in officio Balliui &c. pro terris ſuis

VI home que tient certaine terres ou tenemẽts, per reaſon de les fres deaeꝰ eſtr̃ elect Baille, Bedle, ou Reeue ou en aut⁊ tiel office pur ſes terres, o⁊e ſi tiel home ſoit fait Clerke, ou deins ſacres o⁊ders, donque il ne deuera eſtre elect pur ſes terres en tiel office. Et ſil ſoit elect en tiel office deſtr̃ baille ou beadle &c. il auera bꝛieſe de luy diſcharger, que ſerra tiel.

¶ Rex balliuis I. de L. ſalutem, Cum ſcd̃m legem & conſuetud̃ regni nr̃i Angliæ clerici infra ſacros ordines conſtituti, ad officium balliui ſeu bedelli eligi non debeant, nec hactenus conſueuer̃, ac iam in parte T. de M. Magiſtri hoſpitalis noſtri de C. capellani acceperimus, quod vos ipſum magiſtrum ad officium balliui ſeu bedelli manerij prædicti elegiſtis iam de nouo, & ipſum officiũ illud aſſumere, compellere nitimini, in ipſius Magiſtri graue damnum, & contra legem & cõſuetudinem ſupradict̃: Super quo nobis ſupplicauit, ſibi p nos de remedio prouideri, & quia non eſt iuſt conſonum qd̃ dictus magiſter, qui nobis in hoſpitali p̃d̃ pro ſalubri ſtatu nr̃o, & pro animabus progenitor̃ noſtrorũ quondam Regum Angliæ, & p ſtatu eiuſdem hoſpitalis ac cantarijs, eleemoſinis, & alijs pijs operibus in eodem hoſpitali manutenend̃ & ſuſtentand̃ continue deſeruit ad deſiſtend̃ alibi extra idem hoſpital' in ſecularibus negotijs cõpellat̃: Vobis præcipimus, qd̃ diſtrictioni & compulſioni ſi quas eidem magiſtr̃ ad offic' balliui ſeu bedelli in manerio prędict̃ aſſumend̃ feceritis, omniñ ſuperſedeatis, & eas ſine dilatione relaxetis, & denarios ſi quos per amerciamenta vel alio modo ex cauſa prædicta ab eo leuaueritis,

eidem

eidem magiſtro reſtitui fac' indilat' ſub periculo q̄d incumbit, T. &c. **Et il puit auer** Alias & Plur' & Attachment **ſur ceo.**

105 ¶ Briefe que Parſons ne Prebendaries ne ſerra charge as quinſiſmes, pur lour byens eſteant en lour poſſeſſion, annexes a lour Prebends.

BRiefe pur Prebendaries ou auter eſpirituall perſons deſtre diſcharge pur lour biens eſteants en lour poſſeſſion de benefice, giſt lou le vic' ou collectors des xv. voile diſtr' les parſons ou prebendaries en lour poſſeſſ. eſpirituels pur lour biens eſteants en ceux poſſeſſions, deſtre contributorie al paiment del taxes ou xv. grant &c. Et ſi ils ſont diſtr', ils auera tiel briefe.

¶ Rex taxatoribus decimæ & xv. nobis vltimo per cōmunitatem regni nr̄i Angl' conceſſarum in com̄ Glouc' ſalutem. Ex parte W. prebendarij prebendę de B. in eccleſia de S. nobis eſt oſtenſ. quod cum vos occaſione x. & xv. prædict' nobis per laicos conceſſarum in proprijs bonis ipſius W. de temporalibus prebend' ſuæ prędict' annexis exeuntibus, quæ ad decimam inter ſpiritualia in ſingulis taxationibus, preſtationibus huiuſmodi decimæ taxantur, & de quib⁹ decimis dari conſueuit, p̄dict' decimam, & quindecimā inter laicos aſſidere, taxar', & leuare intenditis minus iuſte, in ipſius W. damnum non modicum & grauamen. Et quia nolumus quod idem W. de huiuſmodi bonis ſuis, de quibus, decimam nobis dat inter ſpiritualia de prædict' decima & quindecima per laicos conceſſ. onerat': Vobis mandamus, quod ipſum W. in proprijs bonis ſuis, quæ inter ſpiritualia ad decimam taxantur, & de quibus decimā nobis dat vt prædictū eſt, ratione decimę & quindecimæ prædict' nobis per laicos cōceſſat' non moleſtetis in aliquo leu grauetis, & diſtrictiō ſi quam ei ea occaſione fieri feceritis, ſine dilatione relaxar' fac' eidem. Prouiſo quod de terris & tenem̄tis, ſi quæ per p̄fatum W. vel prædeceſſores ſuos ad p̄dict' p̄bend' poſt annum domini Edward' quondam Regis Angl' aui noſtri viceſimum, acquiſita fuerint nobis de huiuſmodi decima & quindecima iuxta bonorum & catallorū in dictis terris & tenementis exiſtent', & de eiſdem prouenient' reſpondeat', vt eſt iuſtum, Teſte &c. **Et ſur ceo il puit auer** Alias & Plunies & Attachment.

106 Brieſes

106 ¶ Briefes directes pur faire proclamation, Que nul n iecter fimes ou ordures en foſſes ou riuers pres Cities ou Boroughs, Añ 12. R. 2. ca. 13.

SI aſcun eniect aſcun ordures ou entrailes de beaſts en foſſes, eawes, ou autres lieus, queſont prochein al aſcun Citie, ou Borough, ou ville, ceſty q̄ voit pur ſuer briefe direct al Maire ou bī, ou Bailie del ville, q̄ ils ferra proclamation, que nul ceo face, & que ceux que ont ceo fait, q̄ ils face ē deſtre amoue & carrie de illonqes. Et ceſt bī eſt fond ſur le ſtaī de R. 2. añ 12. ca. 13. Et le briefe eſt tiel.

¶ Rex ball' ſuis vill' de Nouo caſtro ſuper Tinam ſaluī, Cum in ſtatuto in Parliamento noſtro apud Canterb. añ regni noſtri 12. tento, edito, inter alia contineaī, quod proclamac' fieret, tam in Ciuitate Londī quam in alijs ciuitatibus, burg. villis, & eorum ſuburbijs vbi neceſſe foret, tam infra libertates quam extra, quod omnes illi qui fimos, exitus, inteſtina, & alia fetida iactauerant ſeu poſuerant in foſſatis, riparijs, aquis, & alijs locis infra, circa, & prope diuerſas ciuitates, burgos, & villas regni noſtri Angliæ, & ſuburb. eorundem, ea totaliter amouerent & aſportarent ante feſtum &c. ſub pœna xx. li. nobis ſoluendī. Et quod Maiores, & Balliui de qualibet ciuitate, burg. & villa, & etiam balliui libertatum eos compellerent ad hoc faciendī, ſub pœna conſimili. Et inſuper, quod proclamac' fieret tam in dicta ciuitate Londoñ, quam in alijs ciuitatibus, burgis, villis, & alijs locis ſuperius nominatis, quod nullus cuiuſcunque conditionis foret, huiuſmodi nociua, exitus, fimos, inteſtina, & fetida in foſſatis, riparijs, aquis, & locis ſupradictis extunc iactaret ſiue poneret. Et ſi quis hoc fecerit, vocetur coram Cancell' per breue ad ſectam illius qui ſe inde conqueri voluerit, & ſi inuentus foret inde culpabilis, puniatur ſecundum diſcretionem Cancellar, prout in ſtatuto prædicto plenius continetur. Iamque ex pte dilectorum nobis in xpo Prioris & fratrum ordinis heremitarum ſancti Auguſtini dictæ vill' de Nouo caſtr ſup Tinam intellexerimus, quod quamplures homines eiuſd villæ, fimos, exitus, inteſtina, & alia fetida in quadam via, q ſe ducit prope manſion pd Prioris & fratrū in eadem vill' iactauerunt & poſuerunt, in ipſor Prior & fratrum, ac alior conuerſanī & tranſeuntiū ibidem nocumēt & vill' ſuæ piculū manif. & contra formā ſtaī pd: Nos volentes ſtatū illud inuiolabiliter obſeruari, vobis præci-

præcipimus ſi.icti⁹ iniungentes q̄d in vill' p̄d ex pte nr̄a ꝓclamar̄ fac', ne q̄s cuiuſcunq; conditionis fuerit aliqua nociua, exit⁹, ſimos, inteſtina, ſeu fetida quecunq; in via p̄d iactet ſeu ponat. Et q̄d omnes, & ſinguli qui hm̄i nociua ibid̄ iactauerint ſeu poſuerint, ea ſine dilatione amoueant & aſportent iuxta form̄ ſtat̄ p̄d. Teſte &c. ¶ Et il ſēble q̄ le chaunt̄ poet ag. vn Pone vers luy ou attachment de faire luy vener &c. deuant luy en Chanc̄, & ia de luy punter ſolonq̄ ſon diſcret̄. Et il ſēble q̄ cēp q̄ eſt greue p cē nuſans poet auer bre ſur cē ſtat̄ vs luy q̄ fait le nuſans, & recou̇ ſes dam̄ pur cē nuſ. a luy fait: tn̄ q̄re. ¶ Mes p comen ley ſi home fait choſ. al nuſans de mō frankt̄ ou de ma fre, en q̄l ieo aie vn terme pur cert̄ ans, ieo auera act̄ ſur mon caſe pur t̄, ou bt̄ de Nuſ. ſil ſoit al nuſ. de mon frankt̄ &c.

107 ¶ Briefe daſſiſe de nouel diſſeiſin.

BRieke daſſ. de nouel diſſ. giſt en cas ou teñt a t̄me de vie ou teñt en fee ſimple, ou en tail c̄ diſſ. de ſa terre ou tenement, ou ouſt̄ de ceo encount̄ ſa volunte, t̄ eſt vn diſſ. & ia- A
uera aſſ. de nouel diſſ. de t̄ ouſter &c. Et le rule en le Regiſt̄ B
eſt, q̄ ſi home voile poꝛt aſſ. de nouel diſſ. des terres en le com̄ ou le comen bank c̄, que adonq̄ laſſ. ſerroit poꝛt en le com̄ bank, & ſi le com̄ bank ſoit en vn countie, & le banke le roy en aut̄ count̄, ſi aſſ. ſerra poꝛt des terres en le countie ou le banke le roy eſt, donq̄ laſſiſe ſerra retoꝛnable et poꝛt an banke le roy. Et ſi ambideux banks ſont en vn countie, oꝛe luſe eſt de poꝛt laſſiſe en le comen banke, ou en bank le roy a ſ̄ pleaſure, mes ceo eſt encounter le rule del Regiſter com̄ ſemble.

¶ Et laſſ. de mort daunc' ſerra poꝛt en ſemble maſ̄ com̄ C
aſſ. de nouel diſſ. ſerra, & in aſſ. de nouel diſſeiſin deuāt Juſt. de comen bank, ou de bank le roy ſerra mis cert̄ iour iſſint, vſque in diem Iouis poſt quindenam &c. mes en aſſ. de mort daunc' comen iour ſerra don, ſ. in quindena &c. *vel*, in octauis &c. come en auters plees.

¶ Et en aſſ. de nouel diſſeiſin en comen bank, ou en bank le roy, les Juſt̄ poient doner iour hoꝛs del terme ſic, vſque ad diem Iouis ꝓximo poſt feſtum S. Luciæ &c. pur ceo que laſſ. nad aſcū iour de iour de retoꝛn̄ en le terme, mes iour D
certaine quel les Juſtices voile luy doner, & ceo poit eſtre ſibien hoꝛs del terme come en le terme. Et pur le ſtatut de

articuli sup̄ chartas en chescū brief de sum̄ e attach. coutent estre xb. iours ent̄ le date & le r̄ de icel forisq; in ass. de nouel diss. en comen banke ou en bank le roy, & la ne besoign̄ dauer xb. iours entre le date & le ret̄ de icel, cōe semble per le stat. Et en ass. de nouel diss. sue deuāt Just. en eire, ou deuant Just. en banke le roy, ou de common bank le pl̄ ne besoin̄ dauer ascun patent al Just. car eux ont authoritie sās patent, e issint ont Just. dass. authoritie de prender ass. de nouel diss. sans ascū patēt fait a eux: & ceo p̄ le stat̄ de West. 2. c. 13 mes donq; la form̄ del brief est tiel.

F ¶ Rex vic' &c. Quest̄ est nobis A. qđ B. iniuste & sine iudicio diss. eū de libero ten̄to suo in C. post p̄mā transfret̄ dñi H. regis filij regis I. in Vascoñ, & ideo tibi precipimus qđ si pred̄ A. fecerit te secur̄ de clamore suo prosequend', tunc facias tenem̄t illud reseisiri de catal' q̄ in ipso capta fuer̄, et ipsum ten̄tum cum catal' esse in pace, vsque ad primā assisā cū Iust. nr̄i in partes illas venerint, & interim fac' xij. liberos & legales homines ad visn̄ illo videř ten̄ illud, & nomina illorum imbreuiari, & sum̄ eos per bonos sum̄ qđ sint coram p̄f. Iust' ad p̄f. ass. parat̄ ind̄ facer̄ recognic', & pone p̄ vad̄ & saluos pleg. p̄d̄ B, vel ball' suū si ipse inuentus non fuerit, qđ tunc sit ibi auđ ill' recogn̄ &c. & habeas ibi sum̄ noīa pleg. et hoc breue.

G ¶ Et si le bēr dass. soit pozt deuāt auters Just. q̄ deuāt les Just. de ass. en m̄ le com̄, donq; le brefe serra en auter forme q̄ est tiel.

H ¶ Rex vic' &c. Questi sunt nobis A. & B. vxor eius quod C. iniuste &c. disseisiuit eos, vel præf. B. de libero ten̄to suo in N. Et ideo tibi p̄cipimus, qđ si prædđ A. & B fecerint &c. in pace vsque ad certum diem quem dilecti & fideles nostri

I R. & F. tibi scire fac', & interim &c. et sum̄. &c. qđ tunc sint coram præf. R. et F. et hijs quos sibi associauerimus ad certū locum quem idem R. & F. tibi scire fac', parat̄ inde fecere recognition̄. Et pone &c. ¶ Et sur cest brefe ils content aver vn especial patent direct as m̄s les Justic̄, pur ceo que ils ne sont les Justic̄ dass. de cest com̄, et le patent serra tiel.

K ¶ Rex dilectis et fidelibus suis R. & F. salut̄. Sciatis quod constituimus vos Iust. nostros vna cum hijs quos vobis associauerimus, ad ass. nouel diss. capiend̄, quam A. & B. vxor eius arraiñ coram vobis per breue nostrum versus C. de tenementis in N. & ideo vobis mandamus, quod ad certos diē

et

et locum quos ad hoc ꝓuideritis ass. illam capiatis, factuꝝ inde qđ ad Iust. ꝓtinet scđm legem & consuet regni nr̄i, saluis nobis amerciamentis inde ꝓuenien̄: Mandamus enim vic' nr̄o Linc', qđ ad certos diem & locum quos ei scire fac' ass. illam coram vobis venire fac'. In cuius rei testimoñ has literas nr̄as fieri fecimus patentes. Teste &c.

¶ Et si le bꝛiefe auātdit soit direct al vic̄, & ceux q̄ux sont assignes ꝓ le bꝛe deste Iust. de cest ass. soit les Iust. dassise en ī le com̄, donqꝫ il semble q̄ le ptie ne besoign̄ dauer special patent fait a eux pur cest ass car lour generall patēt fait a eux pur ꝓnd̄ touts ass. serra suffic̄ pur cest ass. et touts autres ass. car les Iustic̄ dass. ne vsent soꝛqꝫ de faire vn generall pꝛecept pur touts ass. accoꝛd̄ a lour general commissiō & patent, & nemy a faire especiall pꝛecept pur cheic̄ especiall bꝛiefe direct al vic̄, & special patent fait a eux de ꝓnd̄ alc̄ especial ass pur tiel partie. A

¶ Et si ass. soit poꝛt en commō bank, ou en bank le roy, donqꝫ la foꝛm̄ de bꝛe est: Questus est nobis A. qđ B. iniuste &c. *vsque ibi* in pace. vsque ad diem Sabbati in octauis sc̄ti Michael' ꝓxim̄ futuꝝ. *Ve sic:* Vsque in die Sabbati ꝓxim̄ post crastinum animarum ꝓxim̄ futuꝝ, & interim &c & sum̄ &c. quod &c. coram nobis apud W. vel coram Iust. nr̄is apud W. parati inde &c. B

¶ Et en ass. quāt il purchase le bꝛe, il puit troū pleg en le chanc̄, & donqꝫ le foꝛme del bꝛiefe est tiel. C

¶ Rex &c. Quest⁹ est nobis A. qđ iniuste &c. diss. eum de libero ten̄to suo in N post primam transfretac' dn̄i H. regis filij regis I. in Vasc'. Et q̄a præd̄ A. fecit nos secuꝝ de clamore suo ꝓsequend' ꝓ C. & D. in com̄ tuo, tibi præcipimus, quod facias ten̄tum illud reseisiri &c. *vt supra.*

¶ Et auc̄ foꝛm̄ de bꝛe v̄s coꝛps incoꝛpoꝛat sic: Questus est nobis A qđ B. maior ciuitatis C. & coītas eiusdem ciuitat̄ iniuste &c. *vel sic:* Questus est nobis A. qđ I. abbas beatæ Mariæ Eboꝛ̄, & frat̄ P. de C. commonacus eiusdem abbatis & frat̄ I. de P. conuersus eiusdem domus iniuste &c. *vel sic:* Questus est nobis A. capellanus cantariæ in ecclesia de N. quod B. iniuste &c. D

¶ Et si hōe ad rent seruice ou rent charge, ou rent secke ist hoꝛs de fre pur tme de vie, ou en fee taile, ou fee simple, sil soit disseisie de cest rent, il aūa ass. de cest rent, & le bꝛiefe serra generall, qđ iniuste &c. disseisiuit eum de libero ten̄to suo in N. & serra son title al rent &c.

¶ Et le rule en le Regist est, quant home est deissetsie de rent charge ou rent seck, il couiet que touts les tenãts de tenãts charges soient noſmes en le briefe dass. & tout la terre charge mis en view, tout soit il que il fuit diss. forsq; per vn sole tenant, mes auter est de rent seruice.

E ¶ Et en ass de nouel diss. hõe ne vouches ascũ hõe, si non q̃ il soit noſmẽ en le brief, & p̃sent qñt il est vouch. & voit tãtost entre en le garr, & garr̃ la tre &c. Mes en ass. d' Mord

F il poet vouch alarge. ¶ Et home aũa ass. de no. diss. de office, sil ad ceo a terme de vie. Et le briefe serra, Quod disseisiuit eum de libero tenemento suo in D. & en son pleint il ferra ceo del office, & monstre son title en son pleint.

¶ Et issint si home ad ascũ p̃ũt graunt a luy hors de ascũ terre a terme de vie, ou en fee, come de auer les fruits com̃ pomes, ou nuces, ou arbores, ou aũ p̃ũt q̃cunq;, il aũa ass de ceux, sil soit deforce de eux, come appiert per le statute de West cap 25

G ¶ Et issint de tol', tronage, passage, pontage, pannage, auters sembles. ¶ Et si tenant p statute Merchant, ou p statute de Staple, sont diss. del terre q̃ils ont en execution tanque ils sont paies lour det, ils auera ass. de nouel diss. et recouer̃ lour terñ. Et vncore ils nauera forsque vn chattel. s. la terre pur terme de certaine ans, mes ceo est per les statutes en faits. ¶ Et issint auera cesty assise de nouel diss. del terre que il ad en execution per Elegit, sil soit deforce de ceo per le statute de Westm 2. cap 18.

H ¶ Et per le statute de Westm 2. cap. 25. est ass. donc, si vn oue les beastes pastur̃ & manger̃ le seuer al pasture de vn auter, lauter puit auer ass de ceo pasture & recouer les poss. coment que lauter ne claim̃ de franke del terre &c.

I ¶ Et issint si le sr ou auter home q̃ ad rent issuant di terre, distr̃ le tenant del terre pluisors fois pur rent ou seruice, ou nul est arere &c. le tenant puit auer ass. de souent distr̃ per le common ley. Et cest ass. gist enter le seignior et le tenant, ou enter le seignior paramont & le tenãt parauaile, come appiert an̄ 27. E. 3. li. ass. Mes il semble reasonable, q̃ le tenant auera cest briefe dass. de souent distr̃ vers cestuy que claim̃ rent charge hors de sa terre, tamen quere. Et si home sue diuis ass. vs vn home en diuers villes, ou vs diuers homes en diuers vil', il puit suer vn patent as Justic̃ pur touts ceux ass. Et la forme del patent serra tiel.

¶ Rex delectis &c. sal. Sciatis quod constituim̃ vos &c. ad ass.

Ass. no. diss. &c. quã &c. de tenẽtis in N. & ad assisam noue diss. capiend', quam id' A. &c. coram vobis per aliud brẽ nrm versus &c. de tenẽtis. *Et sic si plures fuerint.*

¶ Si home soit seisie de pcel de rent q̃ est payable a vn tour, & puis le tenãt ne voit' paier le residue de m̃ cest rent q̃ est due a m̃ cest iour, ore cestuy q̃ doit aũ le rent, aũa Ass. de nouel disseisin de tout le rent cõ̃ de ẽ ỏ q̃ il est seisie, come de residue, & cest seisin de parcel de rent fait a luy seisin de tout le rent. ¶ Et si home distrẽ pur s̃ rent pend̃ iass. pur m̃ le rent, donqz il abatẽ son Ass. mes sil distrein̄ pur homage pend̃ iass. de rent q̃ est parcel de cest seruice, ceo nabatera iass. &c. car assise ne gist de homage. ¶ Et seisin ỏ rent pur vn abbe serra sufficient seisin al sucẽ dauer Ass. de rent, sil soit deny de ẽ ou resco⁹ a luy fait: mes seisin del rẽt del pere ne serra sufficient seisin al fits daũ Ass. de no. diss. del rent, si rescous a luy soit fait del rent, pur ceo q̃ labbe ad le rent ẽ dzoit del meason, le quel meason continue: & issint le seisin le predecessoz, est le seisin le successoz: mes le pere ad le rent en son dzoit dem̃ &c. & le fits aũa ceo ẽ son dzoit dem̃, & donqz il couient aũ nouel seisin.

¶ Et home poit aũ Ass. de diũs rents, ou de terre & rent & offices & pzofits appzendze en son soile, & tout en vn bziefe.

¶ Et le s̃r paimont poit aũ common appzend̃ ẽ les terres le ẽ perauant a les terres q̃ il ad p purchase &c.

¶ Et auxy le tenãt perauant poit soy impzoñ vs le s̃r paimont, cõ̃ come il poits vers auter comiñer ou vicine, sil less. sufficient common a luy &c. qd' vide M. 19. E. 3. en title ỏ Assise en les Abridgements.

¶ Et seisin le gard denfant doñ seisin al enfant daũ Ass. sur ceo sil soit disseisie.

¶ Et issint de termñ ou de ẽ per statute merchant.

¶ Et seisin de rent p mains le ẽ a tm̃ de vie de ẽ, dont le rent est issuant, est suffiẽ seisin dauer Ass. del rent, sil soit deny aps. ¶ Et issint semble que paiment de rent per le ẽ a time des ans del terre est sufficient seisin daũ Ass. del rent apres, sil soit deny. Tamen quære.

¶ Feme couert ne serra disseisoresse p claim dasẽ terr̃, si el ne fait entre en fait, ne per fact le baron el ne serra disseisoresse. Ne enfant ne serra disseisoz per son commaundem̃t fait &c. Mes home de plein age poit este disseisoz sil commãnd̃ aut̃ dentrer en aut̃ terre &c.

¶ Et si home recouer rent, le vi ẽ poit luy mitt̃ en seisin

per paroll', ou per aſcun parcel del terre, dont le rent &c.

¶ Et ſeiſin de rent de vn plon ou chantry pr̃iſt q̃ ils ont en dñt de lour eſgl' ou chantry ſerra ſeiſin a lour ſucc̃ dañ all de rent, ſils ſont denies de ceo ap̃s le mort lour p̃decel-ſors, cibñ come del abbe, qd' vide 34.E.3. lib. Aſſ.

¶ Et home ne ſerra adiudge diſſeiſor p̃ fact ſon teñt a volunt, com̃t que le teñt a volunt fait reſcous pur rent &c. q̃ ſole ſerra adiudge diſſeiſor, & nemy le teñt del franktẽ, mes ſi le teñt del tre pay le rent a vn eſtr̃ q̃ ne deuer̃ añ r̃ rent, ceo payñt eſt diſſeiſin a ceſty q̃ dout añ le rent &c.

108 ¶ Briefe de Cõmon de paſtur̃, ou Turbary, ou Piſcary

¶ BRiefe Daſſiſe de nouel diſſeiſin de cõmon de paſture, ou de turbary, ou piſcharie giſt en cas ou home ad common de paſture append̃ ou appurtenãt a ſon manor ou meſe ou tre que il ad a terme de vie, ou en fee, ou en fee taile ſil ſoit diſturbe de ſ cõmon, iſſint q̃ il ne poit r̃ pr̃end̃ come il deuer̃, il añs Aſſ. de nouel diſs. de ceo, et le briefe ſerra tiel.

¶ Rex vic' &c. Queſt' eſt nobis A. quod B. iniuſte &c diſſeiſiuit eum de coſia paſtur̃ ſuæ in N. quæ p̃tinet ad liber̃ teñtũ ſuum in eadem villa, vel in alia villa poſt primam &c. come en aſſ. de terr̃. Et ideo tibi precipim⁹ quod ſi prædict' A. fecerit te ſecur̃ &c. tunc fac' xij liberos et legales homines de viſñ illo videre paſturam illam et teñtum, et nomina eorum imbreuiari: Et ſum̃ &c. coram Iuſtic' vel coram nobis &c. die Iouis, proximo poſt craſtiñ Octauis &c. *Vel ſic:* Coram Iuſtic' noſtris ad priñ aſſiſ. cum in partes illas venerint, *Vel ſic:* Coram dilectis et fidelibus noſtris R. et F. et hijs quos &c. *vt ſupra.*

¶ Et ſi le common de paſture, ou turbary, ou piſcary ne ſoit append̃ ne appurteñ al alr̃ mañ, de terre, ne teñt, donques ceux paroſx en le br̃, que p̃tinet ad liberum teñtum ſuũ ſerra emit en le br̃, & donq̃ le br̃ ſerra tiel.

¶ Rex &c. Queſtus eſt nobis A. qd̃ B. iniuſtè &c. diſſeiſiuit eum de coſia paſtur̃ ſuę in N. poſt primam transfretationem &c. *vſq; ibi,* de viciñ illo videre paſturam illam, et nomina eorum imbreuiari &c. *vt in breui de Aſſ. de terr',* & le patẽt fait as Iuſtices daſſiſe de common, eſt come le patent fait as Iuſtices daſſ del terre, mes ou il dit en le patent de aſſ. de terre, de libero teñto ſuo &c. il dit̃ en ceſt patent en ceſt lieu, de communia paſturę in N. &c.

¶ Et

¶ Et si home ad cõmon de pasture appendũ ou apparteñ a son franktẽ q̃ est son mañ, ou la tre, q̃ est en diũs coũties, & il soit disturbe ou diss. de ceo cõmon: donqz il aũa vn brief de Ass en le county ou le cõmon est, & autr brief en le coñ ou la tre a q̃ le cõmon est appendũ ou appurt est. Et si la terre ou cõmon soit en vn coñ, & la terre a q̃ le common est, est ẽ auter coũty, vnt̃ vn bẽe Dass. serra pozt en le coñ ou la tre (dont le common est issuant) est, & autr bẽe en le coũty ou la terre, a q̃ le common est appendũ est. Et si la terr̃ soit en vn coñ, a q̃ le common est appendũ, & le common est ẽ diũs coũties, donqz il aũa diũs briefs ẽ le coũty ou le cõmõ est, & ou le tre est, et les fozmes des briefs sont tiels. ¶ Questus est nobis A. qd' B. iniustè et sine iuditio disseisiuit eum de communia pastur̃ suæ in N. quæ pertinet ad liberũ tenẽt̃ suum in R. et K. quæ sunt in confinio coñ tui, & coñ Linc'. post primam transfretac' &c. *Vel sic:* de coĩa pastur̃ suæ in N. in coñ tuo, que pertinet ad liberũ tenẽt̃ suum in K. in coñ &c. *Vel sic:* de cõmunia pasturæ suæ in R & K. quæ sunt in cõfinio coñ tui, & coñ Linc', quæ pertinet ad liberum tenẽ suum in K. in præd' coñ Linc' in eodem confinio &c. Et sur ceux briefes il poit aũ vn patent direct a cert̃ persons, q̃x ter̃ Justic̃ en cest ass. sur touts ceux briefes.

¶ Rex dilectis &c. Sciatis quod constituimus vos Iustc' nostros, vnà cum hijs quos vobis associauimus ad Ass. nouæ diss. capiend', quam A. arrainauit coram vobis per breuia nostra versus B. de communia pastur̃ in R. et K. que sunt in confinio coñ N. et L. Ideo vobis mandamus, quod ad certos diem & locum in confinio coñ præd', vel in confinio præd', quos ad hoc prouideritis assitam illam capiatis, factur̃ &c. Mandamus enim Vic' coñ præd', qd' ad certos diem et locum in confinio coñ præd', vel in confinio præd', quos eis scire fac' assisam illam &c. ¶ Et en semble mañ il poit suer briefes Dass. de cõmon de turbary, ou pscary, et autrs sembles pfits, q̃x sont en ij. counties. ¶ Et auxy si home advent q̃ est issuãt del tre en ij. coñ, sil soit diss. de ceo, il auera Ass. de no diss. cõe auant est dit de cõmon, s. ij. briefes & vn patẽt, cõe est dit auant. Et cest p lestat de añ 7. R. 2. ca. 10.

¶ Et cõmon appẽd hõe ne poit occupier oue beastes destrangẽ, sinon que il conduct eux de compest la tre, mes il ne poit agist auts beasts pur argent q̃r ne manure sa terre.

¶ Et si home grant cõmon a vn a ses pzoper beasts, il ne poit occupier ceo common oue beasts destrangẽ.

¶ Et illint si home p̄scribe dañ cõmon a ses ꝓpp beasts, il ne pott occupier t̄ common oue auters beasts.

¶ Mes si home clame cõmon pur beasts sans number, ou dañ commõ pur xx beasts, la il poit agist̄ auters beasts destrange pur argent en cest common, an. 11. H. 6.

C ¶ Et hom̄ poit claim̄ cõmon append̄ ratione mes. an. 23. H. 6. Mes il semble, q̄ il serra pris q̄ il ad terre gisant a ceo mease &c. le q̄l les beasts deuer' compestr' &c. Quære de ceo.

D ¶ Et nul claim̄ cõmon p̄ cause de vicinage, mes cestuy sir que ad le poss. del vill', ass 23. H. 6. ¶ Mes il semble q̄ vn vicin̄ claime cõmon en la terre s̄ vicin̄ en m̄ la vill', p̄ cause de vicinage, coñt q̄ nul de eux soit sir del ville &c.

E ¶ Et si hõe claime cõmon en cert̄ tre cy longem̄t que il est demurr̄ en tiel ville en tiel mease &c. ou sil claim̄ cõmon en la tre, tangz q̄ la terr̄ soit seme & emblee, & aps les blees scies dañ cõmon arere: ceux commons serra dits append̄.

F ¶ Et si home soit diss. de commõ append̄ ou appurt̄ a sa tre, & puis il fait feoffem̄t del tre, a q̄ le cõmõ est append̄ ou appurt̄, ore il naũa Ass. pur cest common, ne nul aut rem̄.

G ¶ Si home grant cert̄ tre a vn cum communia in omnibus terris suis &c. & ne exprsse alr̄ lieu cert̄, il aũa common en touts les terres que il ad al temps le graunt &c.

H ¶ Et si hõe ad cõmon destoũs p̄ grant &c. il ne poit edifier nouel meas. dañ cõmon destoũs pur ceux measons.

I ¶ Et vser de cõmon per t̄s a volũt serra dit seisin a cẽp en reuers. dañ Ass. de cõmon, sil ou son t̄ a volunt soit disturbe aprs de vser de lour common.

K ¶ Et ℣. 45. E. 3. appiert, q̄ cestuy que ad common grant a luy per especialty ne poit agist̄ auters beasts en t̄ cõmõ, mes conyent vser cest comen, oue ses beastes dem̄, ou tiel beasts que il ad de occupier son terre &c ou poit manur̄ la terre oue baches que il allow dauer & agard̄ pur lour act &c. mes Thorpe dit la, si home graunt a moy cõmon a mes beasts, que ico puiss. prign̄ auters beasts pur don̄ moy seisin de mon common, & de eux enchas. maink̄, si cestuy q̄ grant le common est agreable a cel.

L ¶ En Ass. de commõ il couient nosm̄ touts les t̄s del t̄r', dont le cõmon &c. cibien come en Ass. de rent charge.

M ¶ Et si hõe ad Ass. de cõmon pẽdãt, & il pend̄ le br' vse ou occupy le cõmõ, t̄ abat̄ l'br', mez si ses beasts ẽt p̄ eschape, & ne abat̄ l'br', coñt q̄ ils depastr' la t̄r' &c. dont le cõmõ &c.

N ¶ Et nb̄ ascauoir, q̄ cõmon appurtenãt a vn manor poit

estre

eſtre as beaſts ſans numbez, ou as beaſts a certē number, e poit eſtre appurtenant al manoz p p̄ſcripē, ou p grāt fait p fait puis tēps de memozy, e ceo cibñ as beaſts certeine, cōe as beaſts ſans number. ¶ Come ſi home a ceſt iour grant a vn home cōmon deſtouers, ou de turbary en fee ſimple de arder en ſon manoz : oze p ceſt grant ceo eſt appurtenant a ceſt maſ, e ſil fait feoffemēt del maſ, le cōmō paſſe al feffee. Et illint eſt ſil graunt a vn home e a ſes hēes common cōe appurtenant a ſon maſ de F. de cōminer en tiel moze &c. oze per ceo grant le grantee aūa cē common appurtenant a ſon maſ, e ſil fait feoffemēt en fee, ou a termñ de vie del maſ, le feoffee ou leſſee aūa cē common. ¶ Come ſi Abbe de aſſent de ſon Couēt grant a vn auē hōe de trouer vn Chapplein a luy e a ſes heires de chaunter en ſon chappell en ſon maſ de D. oze ſil fait feoffement del manoz, le feoffee aūa lacē de Couenant vs Labbe et ſes ſucceſſ. per ceo grant, cōe appt M. 2. H. 4. en title de Couenant, et Hill' 42. E. 3.

109 ¶ Briefe de Certificat ſur Aſſiſe ſue.

BRiefe de Certificat giſt en diuers maners : vn eſt iou le def. appēt p baily e pleid al Aſſ. iou ſon maſtē ad releaſe a pleid, ou auē matē en eſcript de q̄ le Iurie ne poit aū notice, donqz ſi laſſ. paſſa encontē le baily, le maſtē aūa br' de Certificat ſur ceſt eſcript, e ſur ceo il cauſera laſſ. de reueñ e deſtre iurs ſur ceo de trier cē fait &c. come ſerē pl' pleinmēt mēe aps. ¶ Et eſt auē maſ de Certificat, iou le verdict neſt bien examin p les Iuſtiē, quāt ilz p̄ſterōt le vdict, ou qñt ils nont bien examine ne pleinment enquis daſcū iſſue qui ſuit ioyñ &c. ¶ Et le Certificat doit eſtr' ſue en m̄ le coñ ou laſſ. fuit ſue, e poyt eſtre ſue deuāt meſmes les Iuſtiē deuant q̄us laſſ. paſſa. ou deuāt auēs Iuſtiē. Et ſi le banke le roy, ou le cōmon bāk ſoit en m̄ le coūty ou laſſ. paſſ. donqz le Certific' poit eſtē ſue en bāk le roy, ou en cōmō bāk, ſilz ſōt en m̄ le coūty ou laſſ. paſſa. ¶ Et ceſt certificē ſerra vn brē direct al viē, e les Iuſtiē aūa vn patēt fait a eux, cōe ils aūa en laſſ. &c. Et le fozm̄ del patent fait as Iuſtiē ſerra tiel.

¶ Rex dilectis & fidelibus ſuis A.B. & C. ſaluté. Quia ſup quibuſdam articulis contingentē Aſſiſam noue diſſ. q̄ inter A. & B. ſum̄ fuit & capta coram vobis præſ. B. & dilecto et fideli noſtro I. apud N. p breue noſtrum quædam ſubſunt dubitationes, ſicut ex querela ipſius A. acceperimus, conſtituimus

tuimus vos Iuſtic' noſtros, vna cum hijs quos vobis aſſociauerimus ad certific' inde capiend': Et ideo vobis p̄cipimus, qd' ad certos diem et locū, quos ab hoc p̄uideritis, certific' illam capiatis, factur̄ inde quod ad iuſtic' p̄tinet faciend', ſaluis nobis amerciamēt̄is &c. Mandauimus enim vic' nr̄o &c. qd' ad certos diem et locum, quos ei ſcire faciatis, iurat illius aſſ. coram vobis venire faciat. ad certificand' vos ſuper articulis prædict̄ &c. In cuius rei teſtimoñ has literas nr̄as fieri fecimus patentes, Teſte &c.

E ¶ Et le fozme del br̄e de Certificat eſt tiel. ¶ Rex Vic' &c. Quia ſup quibuſdā articulis conting. Aſſ. nouæ diſſ. quæ int A. et B. ſum̄ fuit et capta coram dilectis et fidelibus nr̄is H. et R. apud N. per br̄e noſtrū de ten̄t̄ in I. quedā ſubſunt dubitationes, ſicut ex querela ipſi⁹ A. accepim⁹, conſtituimus p̄ſ. H et R. *vel ſic:* præf. H. et dilect̄ et fidel' nr̄m I. *vel ſic:* dilect̄ et fideles noſtros N. et S. Iuſtic' noſtros, vnà cum hijs quos ſibi aſſociauerimus ad certific' inde capiend': Et ideo tibi præcipimus, qd' ad certos diem et locū, quos præd' N. et S. tibi ſciri fac', iurat̄ illius aſſ. coram eis venire fac' ad certific' eos ſup̄ articul' p̄d̄, et ſum̄ &c. præd̄ B. qd' &c. coram &c. ad audiend' illā certific', et habeas ibi noīa iurat̄, et hoc br̄e.

F ¶ Et ceſt br̄e giſt ꝑ ꝑmt̄ lou le ꝺict neſt bien examiñ, mes ſil appere per bailp al aſſ. & pleꝺ nul tozt, & troue ders luy, lou ſon maſter ad rel' de pleꝺ, et ne pleꝺ ceo, ꝺonq̄ ſon maſter auera auter fozme del bꝛiefe ſur ieſtatut de Weſt. 2. cap. 25. et le bꝛiefe ſerra tiel. ¶ Rex dilect' &c. fideli ſuo I. et ſocijs ſuis Iuſtic' &c. Cum in ſtatuto ædito apud Weſtm̄ cōtineatur, qd̄ ſi def. contra quem tranſierit aſſiſa in ſua abſentia oſtendat cart̄, vel quiet̄ claim̄, ſuper quarum confectione non fuer̄ iuratores examinati, nec examinari potuerint, p̄ eo qd̄ non fiebat mentio de eis in placitand̄, et probabilit̄ ignorari poterint confect' hm̄di ſcriptor̄: Iuſtic' veſtis ſcript̄ illis faciant ſciri p̄ti quæ recuperauit, qd̄ ſit ad certum di-ē, et venire faciant iurat̄ eiuſdē aſſ. Et ſi p̄ veredictū iurator̄, vel fortè per irrotulamēt̄ ſcript̄ ill' verificatur, puniatur ille qui aſſiſ. impetrauit contr̄ fact̄ ſuum per certā pœnam in ſtatut̄ p̄d̄ cōtent̄: Ac ex querela E. acceperim⁹, qd̄ I nup̄ arrainauit quandā aſſiſam no. diſſ. p̄ br̄e nr̄m verſus præf. E. et alios &c. de tenem̄tis in S. quæ quidem aſſiſa in ipſius E. et aliorū abſenc' tranſiuit, vt dicitur, ac idem E. quoddam ſcriptum quiet̄ clam̄ præfat̄ I. habeat de tenement̄ prædict̄, ſuper cuius confecc' iurat̄ non fuer̄ examinati, nec examinari

potuerunt, pro eo qd' non fiebat inde mentio placiti: Vobis mandamus, qd' vlo ſcripto ill' eidem E. in p̄miſs debitum et feſtinū iuſt' c' cōpl. ment̄ fieri fac' iuxta form̄ ſtat' p̄d', T. &c.

¶ Et oꝛe ceſt bꝛ̄ eſt come vn patēt fait a eux Juſtic̄, & ſur ceo ils agard̄ vn Certificat direct al vic̄ de garner le party, & de faire vener le iurie del aſſiſe deuant eux: Et ceſt patent ou commiſſ. eſt communemēt fait as autres Juſtices que as Juſtic̄ deuant q̄ux laſſ. paſſe. Et ceo appiert per les paroix del patent ou commiſſion.

¶ Mes per le ſtatut de Weſt. 2. cap. 25. appiert, que ſi le bailie le def. alleage recoꝛd en barr̄ daſſ. les Juſtic̄ pꝛendr̄ laſſ. nient obſtant ceſt pleé del bailie, & done iudgement ſur le verdict &c. mes donq̄ ceſty def. en laſſ. poit veñ as Juſtic̄, & mꝛe q̄ il ad matters de recoꝛd de barrer le pl̄ en laſſ. &c. come autrefoits q̄ il barr̄ le pl̄ en autiel ſemble aſſ. poꝛt p̄ luy & ſes le def. ou q̄ eſt vn bꝛiefe de plus hault nature pend̄ enter eux de ceux teſtz &c donq̄ il coueñt de ſuer bꝛ̄ de fait̄ veñ ceſt recoꝛd deuāt les Juſtices, deuāt q̄ux laſſ. paſſe, et ſur ē quant le recoꝛd vient deuāt eux, ils vey q̄ ceſt recoꝛd ſerr̄ barr̄ de ceſt aſſiſe, dōq̄ m̄s les Juſtic̄ agard̄ vn eſpecial bꝛief de Scire fac' hoꝛs de lour recoꝛd del aſſ. de garner le partie deſtre deuant eux &c. Et ſil ne poit ceo dedire, ne ceo auoide, donq̄ le def. recouera ſa ſeiſin arere & double damñs, & le plaintife en laſſiſe ſerra impꝛiſon per diſcretion des Juſtices. Et ſi le def. en laſſ. nad aſcū recoꝛd de mꝛe, mes vn releas ou auꝛ matter en eſcript, que poit barr̄ le pl̄ q̄ recouera p̄ laſſiſe, donq̄ ſi le def. en laſſiſe monſtre ceux eſcripts as Juſtic̄, auant q̄ux laſſiſe paſſe auāt, donq̄ m̄s les Juſtices ſuer ē poiēt agarder vn eſpecial bꝛief de Certificat direct al vicont, q̄ il garnera le pty, & q̄ il face vener les Juroꝛs del pꝛim̄ aſſ. &c. de trier ceſt matter &c. Et ſil ſoit troue pur le def. donq̄ le pl̄ que recouera per laſſiſe &c. perdr̄ double damñs, et auꝛy ſerra impꝛiſon per diſcretion des Juſtices, come appiert per meſme le ſtatut. Mes ſi le def ſuer̄ eſpecial patent a m̄s les Juſtices de p̄ceder, come le bꝛief auant eſt, ou q̄ ils pꝛocedr̄, et agard̄ eſpecial Certificat ſur le matter de eſcript monſtre a eux p̄ le def. ceo ad eſtre vn queſtion, pur ceo que p̄ le iudgemt en laſſiſe, & execution agard̄, lour aucthoꝛitie de lour cōmiſſion eſt determine, come Aſcuns dient: Mes il ſemble a moy, que le ſtatut eſt vn cōmiſſion & patent ſufficient de doñ eux authoꝛitie de agardr̄ vn eſpeciall Certificat de garner le partie

& de

& de faire bener le iur̃ del Aſſ. deuant eux ſur matter deſcript a eux mẽe, com̃t q̃ le iudgement en laſſ. ſoit done & execuť ent fait, car ſi tiel matter p ſoit, donqꝫ lour authoꝛitie rem̃ a punier le pť pur ſon ſuit, & de reſtoꝛer le defendant a ſon poſſeſſ. arere per vertue del ſtatut, come ſemble.

℄ ℄ Et ſi home perde per Aſsiſe per default, ou lou il pled p bailie, lou il ad matter deſcript nient mẽe al Jurie, il poit ſuer Certificat ſur ceo deuant les Juſtices daſſ. al pcheine aſſiſe enſuant, ou deuãt les Juſtices daſſiſe, ou deuãt les Juſtices de bank le Roy, ou deuaunt les Juſtices de common banke, & les foꝛmes des bꝛieſes ſont tiels.

¶ Rex vic' &c. Quia &c. *vt ſupra, vſq; ibi*, accepimus: Tibi præcipimus, quod juratores illius Aſſ. venire facias coram Iuſticiarijs noſtris ad prim' aſſiſam, cum in partes illas venerint, ad certificand' eos ſuper articul' predict', et ſum̃ &c. pred' B. qd' ſit ad prefat' aſſiſ̃ corã pf. Iuſticiarijs ad audiendũ illã certific'. Et ſi le certificat ſopt ſue auãt les Juſtices d cõmon bank donque le bꝛieſe eſt tiel.

Rex vic' &c. Quia &c. vt accepimus: Tibi precipimus, qd' juratores illius aſſ. venire facias corã Iuſtic' nr̃is apud Weſt. tali die ad certificand' eos &c. *vt ſupra*. Et ſi le certifiť ſopt ſue auãt le Roy, donqꝫ le bꝛe eſt *vt ſupra*. Tibi ꝓcipimus, qd' juratores illius aſſ. veñ fac' &c. coram nobis apud E. die ſabbati &c. ad certificand' nos &c.

D ℄ Et ſi hõe en Aſſ. poꝛt vs luy pled alcun releas ou aut eſcript en barr̃ daſſ. &c. & le pť de dit le releas ou eſcript, p que r̃ remaine en cuſtodie de chiefe Juſtic̃ del aſſiſe, et puis nouel commiſſ. eſt fait al chiefe Juſtice, et a diuers auters perſons de pꝛed̃ touts les aſſiſes q̃ rem̃ deſtre pꝛis en ceſt countie, per que ils ag. Reattachment vers le def. & Reſum̃ vs les iuroꝛs: oꝛe le def. poit bener & pleder ceſt releas ou eſcript que eſt en le cuſtodie de chiefe Juſtice en laſſ. auant ſue, q̃ eſt dedit &c. et ſur ceo le chief Juſtice aũa tour tanꝫ al pchein Aſſ. de poꝛter eins ceſt eſcript &c. oꝛe ſi deuaunt le pꝛochein aſſiſe le banke le Roy eſt remoue a ceſt countie, et ceſt recoꝛd̃ del aſſiſe eſt fait bener en meſme le bãk le Roy, et la le partie defendant eſt reattache, et ne vyent, mes fait default, p que laſſ. paſſe pur le pť &c. et ceſt releas niẽt pled ne monſtre &c. oꝛe le partie def. aũa eſpecial bꝛieſe direct a ceſty Juſtice, en que cuſtodie ceſt releas ou eſcript rem̃, de maundr̃ ceo en bank le Roy, et ſur ceo le partie deliuera ſon Certifiť hoꝛs de banke le Roy vers le plaintife ſur

ceo

ceo matter &c. Et tiel briefe est en le Register.

¶ Et si home sue certificat, il puit auer briefe de Asso- A
ciation sur cest briefe tibñ come en ass. de nouel diss. & auxy
briefe de Si non omnes, sibien come il auera en ass. de nouel
diss. Et home poit suer le certificate deuant ñ les Justic̃, de- B
uant queux le ass passe, & donque le certificat isslera hors de
Rols de ms les Justicez, mes il poit suer son certificat de-
uant auters Justices sil voit, & donque le briefe & le patẽt
fait as Justices isser hors del Chanc̃. Et si ascun des iu- C
rors sont morts, vncore il semble reasonable que il auera
certifi̇c̃: Et que il serra tric per ceux que sont en vie, & per
auters &c. car cest nouel matter, sur que ils ne fuer̃ charge
deuant. Mes vide ceo matter debate. P. 7. H. 4. Hill' 12. H.
4. Añ 32. E. 3. Li. Ass.

¶ Añ 43. E. 3 appiert que home auera certificate auant D
iudgement rend̃ en lass &c sibien come apres.

¶ Et si hõc aũa certificat sur ass. de Darreine presentñt E
ou ass. de Mortd̃, ou Iuris vtrum &c. Et semble reasonable
q̃ home aũa certificat sur attaint sil pass vs luy p def. lou
il ad matter de barrer lattaint p releas ou auter escript &c.

¶ Et si le record̃ de ass. soit remoue en common bank, le F
partie poit suer certificat en common bank deuant les Iu- G
stic̃ la, com̃t q̃ lass. fuit pris des terres en auter com̃, Quod
vide en title de Proc' P. 33. H. 6. Et le pror̃ en certif. est
sum̃ vers le iur̃, & venire fac' vs le partie &c. & ap̃s distr̃ &c.
Et Nisi prius serra grant en certificat, si les tres sont en H
auter countie que lou le certificat est port.

110 ¶ Assise de Nusans.

ASsise de Nusans gist ou home leuie vn nusans a mon I
frankt̃ que ico eie a terme de vie, en taile, ou en fee sim-
ple, donque il auera cest briefe de redzesser cest nusans.

¶ Et si le nusans est fait en vn com̃, & la terre a que le K
nusans soit fait soit en auter countie, donque il conient suer
seueral briefs dass. de nusans a chescun vic̃ vn briefe, et vn
patent fait a certaine persons destre Justic̃ en cest ass. com̃
il serra fait en ass. de common de pastur̃, ou turbarie, ou rẽt,
ou tiels sembles. Et le forme del briefe est tiel.

¶ Rex vic' &c. Questus est nobis A. quod B. iniuste & sine L
iudicio exaltauit quoddam stagñ in C. in com̃ tuo ad no-
cumentum liberi tenementi sui in L. in com̃ H. post primã
transfretationem &c. Et ideo tibi pręcipimus, quod si predict̃
A. fecerit te secur̃ de clamore suo prosequend̃ tunc fac' xij.

liberos

liberos & legales homines de visñ illo videre stagnum illud, & nomina eorum imbreuiar &c.

¶ Et en lauť bziefe q̄ serra direct al viĕ, ou la tre est a q̄ le nusans est fait, il dirra en le bziefe, Videre tenement illud. Issint q̄ les Jurors ou la terre est a q̄ le nusans est fait, veiet cest terre, & les iurors del auter coũte veiet le stagñ ou le nusans est fait, & oster il dirra en le bziefe, & nomina illorũ imbreuiar, Et sum̄ eos p bonos sum̄, qd̄ sint coram dilectis & fidel' nr̄is R. & F. & hijs quos sibi associauerimus ad certos dies, & locum in confinio com̄ p̄d̄, quos id̄ &c. parati &c. & le forme del patent est tiel.

M ¶ Rex dilectis &c. Sciatis quod constituimus vos Iust. nr̄os ad ass. capiend̄, quã B. arrainauit coram vobis per breuia nr̄a versus N. de quodam stagno exaltato in C. in com̄ S. ad nocumentum liberi tenti sui in L. in com̄ H. & ideo &c. quod ad certos &c. in confinio com̄ p̄d̄, quos ad hoc prouideritis assisam illam capiatis, factur̄ qd̄ ad iusticiã p̄tinet saluis &c. Mandauimus enim vic' nostris com̄ prædict', quod ad certos diẽ & locum in confinio com̄ p̄d̄, quo eis scire fac' assisam illam coram vobis venire fac' &c. in cuius rei testimoñ has literas nostras fieri fecimus patent', Teste &c.

¶ Et hõe aũa lembl' bziefe, si hõe ad vn chimin a sa terre
M ou a son mease, & vn auť estreit cest chimin, il auera assise del nusans de cest estreitm̄t, & si le chimin soit en vn countie & la terre a q̄ le chimin est, est en auter countie, donqz il aũa ij. bziefs de ass. de nusans, a chescun countie vn, & vn patent fait a certaine persons, come est dit auant. Et le forme del bziefe est tiel. ¶ Rex &c. questus est nobis A. quod B. iniuste & sine iudicio arctauit quandam viã in B. in com̄ tuo, ad nocum̄tum liberi tenti sui in C. in com̄ H. post primam &c. & interim fac' ij &c. videre viam, & nomina &c. Et sum̄ &c.

¶ Et al viĕ ou la terre est, a q̄ chemin est, le bziefe est, Quar̄ arctauit quãd̄ viam in B. in com̄ C. ad nocum̄tũ liberi tenementi sui in S. in com̄ tuo post primam &c. Et ideo tibi precipimus &c. videre tenem̄tum & nomina eorum imbreuiari, & sum̄ &c. ad certos &c. in confinio com̄ præd̄, quos id̄ &c. Et le patent est tiel.

¶ Rex dilectis &c. Sciatis &c. ad ass. capiend̄, quam &c. p breuia nostra &c. de quad̄ via arctat̄ in B. in com̄ Bedford̄ ad nocument̄ &c. in C. in com̄ Hunt̄, & ideo &c. *vt supra.*

D ¶ Et hõe auera bziefe dassise, Quare iniuste & sine iudic' leuauit vel prostrauit quodd̄ fossat̄ in N. ad nocumentum liberi

liberi tenẽnti sui in N. vel leuauit, vel prostrauit, vel exaltauit, vel de exaltauit quoddam stagnum &c. vel obstruxit, vel arctauit quand̃ viam in N. ad nocumenť &c. vel leuauit, vel prostrauit quandam sepem in N. ad nocumentum &c. vel diuerť cursum aquæ in N. ad nocumenť liberi tenẽti sui in B. post primam transfretatiõ̃ &c. *vt in assisa de cõmuni pastur' vsque ibi*, de visñ illo videre fossať illud, stagnum illud, sepem illam, viam illam, cursum aquæ illius, & tenť, & nominã eor̃ imbreuiari, et sum̃ &c. *vt supra in cõmuni pastur'*. **Et le fozme del patent est.**

¶ Rex dilectis &c. Sciatis &c. ad assisam capiend̃, quam A. &c. versus B. de quod̃ fossato leuato vel prostrato in N. vel de quodam stagñ exaltato vel de exaltato in N. vel de quodam stagñ leuato vel prostrato in N. vel de quadam sepe leuata vel prostrata in N. vel de quadam via arctata vel obstructa in N. de cursu cuiusdam aquæ diuerso in N. Et ideo vobis mandamus &c. *vt supra*.

¶ Et pur q̃ux assise de Nulans gist, appiert per ceux Vers̃.

satum num, s a,
Fos, stag, sepe q; vi diuersi cursus aquarum,
i terminari coram Iustic' assisarum, i placitari in banco
Poscunt assisam : mercatum, feria bancum.

¶ Et appiert per ceux vers̃, q̃ si home leuie faire ou Market al nulans dauter faire ou market, q̃ cesty a que nulans cest faire ou market est leuie aũa briet pur cest retornable en cõmon bank, & le bzief ferra in tiel fozme.

¶ Rex vic' &c. Si A. fecerit &c. tunc sum̃ &c. P. qd̃ sit corã Iustic' nr̃is apud Westm̃ &c. ostens. quare leuauit quoddam mercatum, vel quandam feriam in I. ad nocumentum liberi mercati, vel libere feriæ ipsius A. in eadem villa, vel in alia post primam trãsfretationem &c. vt dicit, & habeas ibi sum̃, & hoc breue.

¶ Et auxy est auter fozme del bzief de t̃, que est vn Qd̃ permittat, **que est tiel.** ¶ Rex vic' &c. Præc' P. quod iuste &c. permittať Epm̃ Lincolñ prosternere quoddam mercatum in Vppingham, quod P. de M. pater præd' P. cuius hæres ipse est, iniuste &c. leuauit ad nocumtũ liberi mercati C. nuper Episcop̃ Linc', prædecess. præd̃ Epi in Luddington vt dicit, & nisi fecer̃, & præd̃ Epus fec' te secur̃ &c. tunc sum̃ præd̃ P. qd̃ sit &c. ostens. quare &c.

¶ Et cest bẽ fuit grãt p le chief Just. & clerks de chanc̃,

per

per q̃ il semble, q̃ home puit disturbe aut de gard ou auer alt̃ faire ou market al nusans de son faire ou market.

111 ¶ Briefes de Nusans que sont vicontiels.

B BRiefes de Nusans queux sont vicontiels sont ceux queux appere per les verses ensuants.

rica ca gultum ges lendinum
Fab, fur, porta, domus, vir, gur, mo,
munus, ouile,
Et Pons, taduntur hæc vicecomitibus.

¶ Et la forme del brefe est tiel. ¶ Rex vic' &c. Questus est nobis A. qđ B. iniuste leuauit vel prostauit quandam dom̃, vel obstruxit quendam gurgitem in N. ad nocumentum &c. in eadẽ villa, vel in alia post primam transfretationem &c. in Vasc': Et ideo tibi precipimus, qđ loquælã illã audias, & postea eam inde iuste deduci fac', ne amplius inde clamorẽ audiamus pro defectu iusticiæ.

¶ Eadem modo fiant breue de Ouili, Porta, Virgulto, Molendino, Latrina, & his similibus leuatis vel prostratis.

C ¶ Et ceux briefes poient estre remoue al suit le pl̃ ou def. hors del com̃ en cõen banke p vn Pone ouc cause mẽe en le briefe, cõe en Repl' de auerijs &c. Et le Pone est tiel.

¶ Rex vic' &c. Pone ad petitionẽ petentis loquelã quę est in com̃ tuo p brẽ nr̃m inter A. & B. de quadam domo leuat̃ vel prostrata in C. per ipsũ B. iniuste leuat̃ vel totaliter prostrata vt dic', & sum̃ &c. *vt in Pone de auerijs.*

D ¶ Et le rule en le Register est, que sil q̃ leuie ou pterne mease, mure, ou tiel sẽble, a deuie, q̃ il a q̃ le nusans est fait ou son hetre auera brefe de Qđ permittat, vous iheire cesty q̃ fist le nusans, q̃ux brẽs sont escripts enter les brẽs de Qđ permittat auant &c.

¶ Et home aũa assise de Nusans pur leuier de vn mease plus hault de son mease, & cy pres q̃ le pleuue que discend̃ de son mease chiet & discend̃ sur son mease q̃ est pl̃ &c.

E ¶ Et home nauera assise de Nusans de chimin, sinon q̃ il soit appendant ou appurtenant al alt̃ franke. Come si hõe leuie mease a trauers de non chimin, que ieo ay a mõ mease ou al esglise, ieo auera assise de Nusans.

F ¶ Et en brẽ de Nusans, le def. auera le view & alloin̄, & sil fait default apres, il auera Distr̃ vs iuy ad respond̃ &c. & nemy a sauer son default. ℣. 42. E. 2.

G ¶ Et si hõe leuy nusans al mease dũ aut q̃ nad estate en

le mese lorsqz a termñ des ans: donqz il naũa assi. de nusans mes action sur son cas vs luy, p̃ ẽ que il nad frankt, mes il semble q̃ il puit ent̃ a abat̃ le nusans. ¶ Et si briet de Nusans soit remoue hors del coñ. & le brẽ ẽ, que le party del. nauer riens &c. per q̃ le ptie aũa attachñt & distr̃, & nul auter p̃ &c. pur ẽ que touch. frankt. Mes en assi. de nusans le p̃ elt come ẽ assi. de nouel diss. Et les pochiñs poient abat vn muꝝ leuy a lour nusans en lour chimins al esgl', qđ vid̃ T. 6. E. 2. ¶ Et en assi. de Nusans il puit en son pl' mẽe le nusans destre fait a diũs frankts. A B C

¶ Et si les chimins ou estreits, ou ses venels en ascun vill', ou citie, ou borough corporate soient replete oue ſiers ou ordures, ou tiels chose, per queux infection puit accress. donqz cesty q̃ voit suer puit purchase tiel brieue dauer eux client. & purg. quel brieue serra tiel. D

¶ Rex maiori & bal' suis Oxoñ sal'. Quia ex testimoñ accepim⁹ fide digno, qđ per fimos & fimaria, necnõ porcarias, et frequẽt̃ access. porcor̃, ac plures alias fœditates, quæ in vijs & venellis villæ p̃đ et suburb. eiusđ existunt, aer ibid̃ in tãtum corrũpit̃ & inficit̃, qđ magistrls & scholaribus in eadem cõmorant̃, & alijs ibidẽ conuersantib⁹ & transeuntibus horror abhominabilis incutit̃, commoditas salubris aeris impedit̃, status hominum grauit̃ lædit̃, aliæque intollerabiles incommoditates, & quamplurima dilci imina ex corrupt̃ hm̃i puenir̃ noscunt̃, in magistr̃ & scholar̃ prædict̃ & alior̃ ibidẽ conũsant̃ & transeunt̃ nocument̃, & vitę suæ periculum manifestum. Nos nolentes hm̃i defect⁹ enorms, & intollerabiles ibid̃ vlterius sustiner, vobis p̃cipiñ qđ omnes vicos & venellas in vil' p̃dict̃ & eius suburb. de fimis & fimarijs ac alijs fœditatibus p̃đ' mundari et mũdatos inposter cõseruari sine dilac' aliqua faciatis, ne per corruptiones aut fœditat̃ p̃dict̃ dãnũ seu piculũ aliquibus in vestri defect̃ eueniat in futur̃, p qđ' ad vos tanquã ad mandati nr̃i cõtẽptores grauit̃ capiat̃ debeamus. Teste &c ¶ Et sur ẽ il poet suer Al' & Plur̃ & attachment, sils ne sont munds &c. Mes per les villages en le pais, q̃ux ne sont corporate, il semble q̃ tiel brẽ ne gist &c.

112 ¶ Briefe de assóciac' en assi. & de brieues de Si non omnes.

BRieue de assóciac' est vne patent fait a vne ou a pluſors pſons, quant vn assi. de nouel diss. ou de certifiẽ sur assise E

de nouel diſſeiſin eſt ſue, donqꝫ le roy de ſon motiõ demeſne ou le pl̃ pott ſuer pur aũ auꝛs p̃ſons aſſocies as Juſt. del aſſ. de pꝛend̃ ceſt aſſ &c. Et le bꝛief ou patẽt eſt tiel.

¶ Rex dilectis & fidelibus ſuis C. & D. *vel* dilecto & fideli ſuo F. ſal'. Sciatis quod aſſociauimus vos vel alterum veſtrũ, vel vos dilect̃ & fidelibus noſtris A. B & G. ad aſſ. nouæ diſſ. capiend̃, quam F. arrainauit coram pꝛęf. A B. & G. p bꝛ̃ noſtrum verſus H. de teñ in N. ita tñqd̃ ſi ad certos diẽ & locũ, quos ijd̃ A. B. & G. ad hoc ꝓuiderint vel alterum veſtrũ vel vos adeſſe contigerit, tũc vos vel alterum vr̃m vel vos ad hoc in ſocios vel in ſociũ admittant, alioq̃n ijd̃ A. B. & G. non expectata p̃ſentia veſtra, vel alterius veſtrum, vel veſtra, ad captioñ illi⁹ aſſ. ꝓcedant Et ideo vobis mandam⁹ qd̃ vos vel alterum veſtrũ vel vos captioni aſſ. illius vna cum p̃f. A. B. & G. intendat̃ in forma p̃d̃, facturi inde qd̃ ad iuſtitiã ꝓtiñ ſecund̃ legẽ & conſ. regni nr̃i: ſaluis nobis amerciamẽtis inde ꝓuenient̃. Mandam̃ enim eiſd̃ A. B. & G. qd̃ vos vel alterum vr̃m vel vos ad hoc in ſocios vel in ſocium admittãt, ſicut p̃d̃ eſt. In cuius rei teſtimoñ has literas &c.

¶ Et ſur t̃ patẽt de aſſoc̃ le roy maũd̃ ꝑ bꝛ̃ as Ju. de aſſ. eux cõmaũd p̃ tiel de eux ou luy admitt̃, & le bꝛief eſt tiel.

¶ Rex dilect̃ & fidelibus ſuis A. B. & G. ſalutem. Sciatis qd̃ aſſociauimus vobis dilect̃ & fideles noſtros C. & D. vel alterum ipſorum: *vel ſic*, dilect̃ & fidel' noſtrum F. ad aſſ. nouæ diſſ. capiend̃ q̃ E. arrainauit coram vobis per bꝛ̃ noſtrũ verſus H. & alios in breui noſtro originali content̃ de tem̃t in N. vel de coĩa paſturæ in N. ita tñ quod ſi ad certum diem & locum, quos ad hoc ꝓuideritis, ipſos C. & D. vel alterum ipſorum: *vel ſic*, ipſum F. ad hoc in ſocios vel in ſocium admitt̃ alioq̃n vos non expectata p̃ſentia eorum C & D. vel alterius ipſorum: *vel ſic*, vel ipſius F. ad captionem illius aſſ. procedat̃. Et ideo vobis mandamus, quod ipſos C & D. vel alterũ ipſorũ: *vel ſic*, vel ipm F. ad hoc in ſocios vel in ſociũ admitt̃ in form̃ p̃d̃. Mandauim⁹ enim eiſd̃ C. & D. qd̃ ipſi vel eorum alt̃: *vel ſic*, vel idẽ F. qd̃ vna vobiſcum ad hoc intendant vel intendat, ſicut p̃d̃ eſt. Teſte &c.

F ¶ Et ſi diuers aſſ. ou certif. daſſ. ſoient ſues deuãt diũs Juſt. en vn coñ pur diuers terres, ou tem̃ts, ou rẽts, ou commons, & puis le roy per nouel patent fait nouel Juſt. de ꝓnõ touts les aſſ. & certifiẽ a iuries q̃ux ſont penõ en m̃ le coñ: ore ſur ceo le roy poit faire aſſociatiõ a ceux Juſt. nouel aſſignes, & le bꝛief ſerra tiel.

¶ Rex

¶ Rex dilect̃ & fidel' ſuis W.de D.R.de A.& R.de P. ſalut̃. Sciatis, quod cum conſtituerimus vos Iuſt. noſtros ad omnes aſſ.iuratas & certif.cor̃ quibuſcunque Iuſt. nr̃is per breuia noſtra in comit̃ Linc' arrainiatas capiend̃. Et poſtmod̃ vobis mandauerimus, qd̃ ſi vos omnes capc' aſſ. iuratarum, & certif. p̃d̃ commode intereſſe non poſſitis.tunc duo v̄rm, quos præſentes eſſe contigerit, ad captioñ eorundem aſſ. iuratarum,& certif.ſecund̃ legem & conſuet̃ regni nr̃i ꝓcederitis, aſſociauimus vobis dilect̃ & fidel' noſtrum A. ad aſſ. iuratas & certif. p̃d̃ vna vobiſc̃ capiend̃ ita t̃n qd' ſi ad cert̃ dies & locum,quos vos vel duo veſtrum ad hoc ꝓuideritis, ipſ̃ A.adeſſe cõtigerit, tunc vos vel duo veſtrum ipſ̃ A. in ſocium admittat̃,alioquin vos vel duo veſtrum non expectat̃ ꝓſentia ipſius A ad captioñ aſſ.iuratarum & certif. p̃dict̃ ꝓcedatis,& ideo &c.mandamus &c. **Et le patent fait al ceſty q̃ ſerra aſſocie,reherſ.le patent fait as Juſt.daſſ.a le briefe de** Si non omnes **a dont̃ dirt̃,** Aſſociauimus vos &c. **et la fozme eſt tiel.¶** Rex dilect̃ & fidel' ſuo A.ſalut̃. Sciatis quod cum conſtituerimus dilect̃ & fidel' noſtros W. de D.R. de A. & R.de P. Iuſt. noſtros ad oēs aſſ. iurat̃ & certif.coram quicuſcunque Iuſtic' nr̃is per br̃ia nr̃a in com̃ Linc' arrain̄ capiend̃, & poſtmod̃ eiſdem W.de D.R.& R. mandauim⁹ quod ſi ipſi oēs captioni aſſ. iurat̃ & certif.pred̃ cõmode intereſſe non poſſint,tunc duo eor̃,quos tũc adeſſe cõtigerit ad captionem ear̃d̃ aſſ.iurat̃ & certif ſecund̃ legē & conſuet̃ regn nr̃i ꝓcederent, aſſociamus vos praef. W R. & R. & duobus eor̃ ad aſſ. iurat̃ & certif. p̃d̃ in com̃ p̃d̃ capiend̃, ita tamen quod ſi ad certos dies & loca quos ijdem W. R. et R. vel duo eorum ad hoc ꝓuiderint, vos adeſſe contigerit, tunc ipſi vel duo eor̃ vos ad hoc in ſocium admittãt,alioquin ijdem W.R et R.vel duo eor̃ nõ expectata ꝓſentia eor̃, ad captioñ earundē aſſ iurat̃ & certif.predict̃ ꝓced̃,& ideo vobis mãdam̃, qd̃ captioni aſſ.iur̃ et certif p̃d̃ vna cũ p̃f.W.R.et R. vel duobus eor̃ intendatis in form̃ p̃d̃,facturi &c.ſaluis &c. Mandamus enim eiſdē W.R.et R. qd̃ ipſi vel duo eor̃ vos ad hoc in ſocium admittant, ſicut p̃d̃ eſt. In cuius rei &c.has l̃ras nr̃as fieri fecimus paten̄, Teſte &c.

¶ Et puis qſit le roy ad fait ſes Juſt.daſſ. p̃ ſes letters paten̄, a per auters letters paten̄ il ad ſocie a eux auter p̃ſon, vncore apres il eſt vſe de faire auters lett̃s paten̄ cy-dñ as Juſt.t̃ daſſ. come a ceux q̃ il ad aſſocie a eux,que ſils touts ne porent venir a vn temps de pzendr̃ ceux iuries

dassiſes & certifiē, q̄ adonqz ceux de eux q̄ viendō, pzendō ūs les ass. iurat, & certif. & ceſt patent eſt appel' vn Si non omnes, & le fozme del patent eſt tiel. ¶ Rex dilectis & fidel' ſuis W. de D. R. de A. & R. de P. & A. de B. ſalutem. Cum conſtituerimus vos præf. W. R. & R. Iuſticiar noſtros ad omnes aſſ. &c. *vſque ibi*, arrain capiend', & poſtmod' vobis p̄f. W. R. & R. monſtrauerimus, qd' ſi vos omnes &c. ꝓcederitis ſubſequen, qd' aſſociamus vobis & duobus vr̄ū p̄f. A. ad aſſ. iurat et certific' præd' in com̄ præd' capiend', vobis mandam', qd' ſi vos omnes captioni aſſ. iuratar̄ & certific' p̄d' commode intereſſe non poſſitis, tunc tres vel duo vr̄ū, quorū alterū vr̄m vos p̄f. W. R. & R vnum eſſe volumus, ad captionem earund' aſſ. &c. ſcd'm legē & conſ. regni nr̄i ꝓcedeatis &c. Teſte &c.

B ¶ Et ceux .z. patents ꝓchein auant ſont cōmenc̄m fait quār aſcun aſſ. ē ſuc, ſ. vn as Juſt. daſſ. & auſ pat al clerke daſſ. de aſſociation. & le patēt de Si non omnes cibſ fait as Juſtic̄ & al clerke daſſ. enſēble. Et ſi le roy fait ſes Juſt. de aſſ. en aſc̄ coūty, & puis il fait vn aſſociatiō a eux, & vn patent de Si nō omnes &c. & puis diūs aſſ. ou certifiē reſ̄ deuāt eux nīēt determ. ñ, ozez le roy al ꝓchein aſſiſe puit fair nouel eommiſſ. as auſs Juſt. de p̄nō touts ceux aſſ. & certif. & puit faire nouel aſſociation a eux per auſ patent, & vn Si non oēs auxy direct a eux &c. mes en general patēt daſſ. de p̄nō touts aſſ. & iuſ̄ &c. vn aſſociation giſt.

C ¶ Mes M. 32. H. 6. eſt ten' q̄ vn aſſociar̄ apres euſ̄ aſſociar̄ allow et admit ne giſt, ne q̄ les Juſtices donqz ne admiſt auter aſſociation en ceſt bē apres, ep longem̄ come ceſt bzief & commiſſ. eſtoit en fozce. Mes en eſpecial aſſ. nouel aſſociar̄ ſerr̄ fait, come ē ten' m̄ lā. M. 32. H. 6. car il nad en le bē ceux poīr. Et hijs quos ſibi aſſociauerimus, mes le bē eſt direct al biſ̄ ſans auer ceux poīr en le bzeefe, ne ceux poīr ſont en le patent fait as Juſtic̄ de ceſt eſpecial aſſ. &c. Mes ſi ceux parole ſont en le bē & en le patent fait as Juſtic̄ donque ſemble q̄ aſſociation ſerra fait en ceſt eſpecial aſſ. come en auter. ¶ Et appiert per le Regiſt, q̄ aſſociar̄ giſt apres aſſociation en le bzeefe.

F ¶ Et ſur nouel cōmiſſ. fait as auſ Juſt. les aunc̄ Juſt. daſſ. deliuer̄ lour recoīds des aſſ. as nouel Juſt. &c. per indent ſur bzief direct a eux & deliuer̄ les recoīds.

G ¶ Et home puit ſuer vn patent de aſſociation p̄ diūs aſſiſes, & le fozme eſt tiel.

¶ Aſſo-

¶Associauimus vos, vel alterum vestrū &c. ad Ass. no. diss' capiend', quam A. arrainauit coram prefat' &c. de tenemētis in N. et ad ass. no. diss. capiend', quam C. arraiñ coram eisd' &c. versus pref B. de tenētis in eadem vill', Ita tñ quod si &c.

¶Et si le Roy fait 2. homes les Justic' dass. en vn com' & puis lū de eux est en seruice le roy ailors, ilsint q̄ il ne poyt entēder de p̄nd' ceux ass. et iur', dōcq̄ le roy p̄ son patēt poit fair vn autr' hōe Justice en son lieu de p̄nder ceux ass. & iuries. Et ceste patēt est ē son nature vn associatiō, & le forme est tiel. A

¶Rex dilecto et fideli suo A. sal'. Sciatis q̄d cum nup constituerimus vos et dilectum et fidelem nostrum G. Iust. nostros ad omnes ass. juratas, et certific' coram quibuscunque Iusticiar' nostris per breuia nostra in comitatu L. arrainat' capiend', ac præfat' G. quibusdam oblequijs nostris de mandato nostro alibi intendat, per quod captioni earūdem assisarum, juratarum et certific' vacare non potest, vt accepimus, loco ipsius G. constituimus dilectum et fidelem nostrum W. Iust. nostrū ad ass. juratas, et certific' p̄d' vna vobiscum capiend': Et ideo vobis mandam⁹ quod ipsum W. loco ipsius G. ad hoc in socium admittatis in forma prædict. Mandauimus enim eidem W. qd' loco ipsius G. vna vobiscum ad hoc intendat &c. ¶Et patent ferra fait a ceste que ferra associe a luy en lieu le dit G̃ que ferra tiel.

¶Rex dilecto et fideli suo W. salutē. Sciatis qd' cum nuper constituerimus dilectos et fideles nostros A. et G. Iust. nr̄os ad omnes ass. &c. *vt supra vsq; ib'*, vt accepim⁹, loco ipsius G. constituimus vos Iust. nostrum ad ass. jurat', et certific' pred' vna cū præf. A. capiend', et ideo vobis mandam⁹, qd' loco ipsius G. vna cū p̄f. A. ad hoc intendat' in form̄ prædict', facturi &c. saluis &c. Mandauimus enim eidē R. qd' vos loco ipsius G. ad hoc in socium admittat, sicut p̄dict' est. In cujus &c.

¶Et si le roy fait 3. Just. dass. et puis lun de ceux deuie, ore le roy poit fair vn patent a vn autre dassoc', de associer luy a les 2. ē lieu de ceste q̄ est mort, & vn bre q̄ serra clos. direct a les 2. Just. q̄ sont ē vie de luy admitt' &c. Et appt p̄ le bre q̄ si le Roy fait 3. ses Just. de p̄nd' ass. et iur' &c. & fait a eux vn patent de Si non oēs &c. q̄ si lū deux deuy, q̄ vn' les autr's 2. poyent proced' &c. Et le patēt est tiel. B

Rex dilecto et fideli suo I. de O. salutē. Sciatis qd' cum nuper constituerimus dilectos et fideles nostros I. I. et S. Iust. nostr' ad omnes ass. jurat', et certif coram quibuscunque Iusticiar' nostris per breuia nostra in Comitatu S. &c. arraiñ capiend', ac post

mortem p̃dict̃ S.diũſ.aſſ. iurat̃ et certif. coram præfat̃ I.et I. arraiñ exiſtant, nos certis de cauſis conſtituimus vos Iuſtic̃ nr̃os tam ad omnes aſs. iurat̃ et certif.coram prædict̃ I.I. et S.et poſtmod̃ corã eiſdem I.et I.quã ante corã quibuſcunq; Iuſt.nr̃is in com̃ p̃d̃ arraiñ vna cum eiſd̃ I.& I capiend̃, Et ideo vobis mandam̃,qd̃ ad eaſd̃ aſs.iurat̃ et certif.vna cũ p̃f. I.et I.capiend̃ attendatis in form̃ p̃d̃,facẽ &c.ſaluis &c. Mãdauim̃ enim p̃d̃ I.et I. qd̃ vos ad hoc in ſociũ admitt̃, ſicut prædict̃ eſt.

℄ ℄ Et vn bziek clos. ſerra direct as Juſt.dadmitt̃ le dit J. W.en lour ſocietie.

℄ Et le roy puit faire aſſociation en iuries appzend̃ cy: bien come en aſſ. e auxy en attaints.

℄ Et ſi le roy fait cõmiſſion de p̃nõ attaint ou aut̃ iur̃, e vn aſſociat̃ en icel,e puis lũ des Juſt. deuy, le roy puit fait̃ vn nouel aſſor̃ ẽ m̃ cẽ bẽe. Et iſſint il puit fait̃ vn aſſor̃ a p̃s aut̃ ẽ vn m̃ bẽe, cõe appiert p̃ le Regiſt. a le bẽe eſt tiel.

¶ Rex dilect' &c.I.de M.R.de M et I.de F. ſalut'. Cum nuper conſtituiſſem W. de O. vos præf I.de M et R. Iuſtic' noſtros ad iurat̃ xxiiij. milit̃ capiend̃, quam R. arraiñ coram p̃f.W.et vobis p̃f. I de M. et R. per breue noſtrum verſus P. ad conuincend̃ iuratoꝝ aſs. no.diſſ.q̃ inter ipſum P.et præf. R.ſum̃ fuit, et capta per breue noſtrum apud H. coram p̃f. W.& vobis præfat̃ R.de teñtis in S.in com̃ N et poſtmodum per breue noſtrum aſſociauerimus vobis præfat̃ I. de M. et R.vos præfat̃ I. de F.ad omnes aſſiſas, iuratas &c. in dicto com̃ arraiñ vna cum præf. W. et vobis cum præfat̃ I de M.et R.vel duobus veſtrum capiend̃,et iurat̃ ill' coram præfat̃ W. et vobis præfat̃ R. et I.de F. virtute aſſociatioñ præd̃ vſq; ad captiõ eiuſdem extiterit p̃ plitata,ac idem W.iam die̅ clauſit extrem̃,loco ipſius W. conſtituim̃ dilect̃ et fidel' nr̃m B ad iurat̃ illã vna vobiſcũ capiend̃, vobis mandam̃ qd̃ p̃f.B. loco ipſius W.ad hoc admittat̃, et ad iurat̃ illam capiend̃ vna cũ ipſo ꝓcedatis ſcd̃m legẽ et conſ.regni nr̃i. Mandauim̃ enim p̃f. B. quod vna vobiſcum ad hoc intend̃, ſicut prædictum eſt.

℄ Et ſur ceo auter patent ſerra fait al dit T.de aſſociat̃, come auant en auters caſes.

℄ Et vn aſſociation puit eſtre fait al vicont ſur bziek de rediſſeiſin direct a luy &c.cybñ come ſerra fait en aſs. de no. diſs. come appiert per le Regiſt̃, que tiel bziefe fuit ag. per W.de Harlaſton.

℄ Et

¶ Et coñt q̃ laſſ. ſoit diſcontinue p̃ non venue des Juſtices &c. vñ quant le reattachñt ſoit ſuc &c. les briefes de Aſſoꝛ̃, et de Si non omnes eſtoient en leur force, & reattachñt ſerra ou poit eſtre ſue a reuiũ ceux aſſiſes &c. Et coñt q̃ ſont diũs adiournemñts de aſſ. vncoꝛe les aſſoꝛ̃ & les briefs de Si non omnes ſeruer̃ pur touts les aſſ. A

114 ¶ Breue de Rediſſeiſin.

BRiefe de Rediſſ. giſt ou home recouer per aſſ. de no. diſſ. terre, rent, ou common, ou tiel ſemble, & eſt mis en poſſ. de ceo per le viꝛ̃, & puis il eſt rediſſeiſi de ceo terre, rent, ou common per ceſty p̃ que il fuit diſſeiſi auant: donq̃ il aſſa ceſt briefe per le ſtaꝛ̃ de Merꝛ̃ cap. 3. Et la forme del vꝛ̃ ẽ tiel. B

¶ Rex vic' &c Monſtraueꝛ̃ nobis A. et B. vxor eius, qđ cum R. quonđ vir ipſius B. et ipſa B. in cuꝛ̃ nr̃a coram Iuſticiarijs nr̃is vltimo itinerantibus apud N. in com̃ tuo: *Vel ſic*, coram dilectis et fidelibus noſtris H. et K. Iuſticiar̃ noſtris ad aſſ. in com̃ p̃đ capiend̃ aſſigñ: *Vel ſic*, ſi Iuſtic' morꝛ̃ fueꝛ̃, coram H et ſocijs ſuis nuper Iuſtic' nr̃is ad aſſ. in com̃ præđ capiend̃ aſſigñ apud N. recuprauſſent ſeiſin̄ ſuam verſus S. de viginti acris terꝛ̃ et decem ſolidat̃ reddit̃ cum pertin̄ in K. p̃ recogn̄ aſſiſæ nouæ diſſ. inꝛ̃ eos &c. *Vel ſic*, inꝛ̃ præf. A. B. et S. capt̃, præf. S. ipſos A. et B. de p̃đ terra et reditu: *Vel ſic*, de vna acra tꝛæ de tꝛ̃ p̃đ iterum iniuſte diſſeiſiuit: et ideo tibi p̃cip̃, qđ aſſumpt̃ tecum cuſtodibus placitorum coronæ nr̃ę et xij. tã milibus quam alijs liberis et legalibus hominibus de com̃ tuo tam de illis qui in prima iurata fueꝛ̃, quã alijs, in p̃pria p̃ſona tua acced̃ ad p̃d' terꝛ̃ et teñtum, vnde reddit̃ inde prouenit, et per eoꝛ̃ ſacrament̃ diligent̃ inde fac' inquiſic'. Et ſi ipſos A. et B. per præf S. de p̃đ tꝛa et redditu iterum iniuſte diſſeiſitos inueneris, tunc ipſum S. capias, et in priſona noſtra ſaluo cuſtodiri facias, ita quod à priſona illa nullo modo deliberetur ſine mandato noſtro ſpeciali: et ipſos A. et R. de præd' terra et redditu reſeiſiꝛ̃, et damna ſua in duplum, quæ occaſione illius rediſſeiſ. ſuſtinueꝛ̃ per ſacramentum prædictum xij taxari, et de terris et catallis prædict̃ S. in balliua tua ſine dilatione fieꝛ̃, & eiſdem A. et B. habere fac' iuxta formam ſtatuti de hm̃odi rediſſeiſina prouiſ. Et ſcire fac' præf. S. vel præf. S et D. qui terram illam nunc tenet, quod inquiſic' illi faciend̃ interſit, ſi ſibi videret expedire, Teſte &c. C

D ¶ Et p cē bē appt, q̄ hōe aūa rediſ. vōs le t, ſil recōūa p aſſ.de nouel diſſ.deuant Juſtices errants,ou deuant Juſt. daſſ. Et iſſint ſil rec̄ en aſſ.de no diſſ. deuant le roy en ſon bank,ou ē le cōmon bank,ſil ſoit rediſſ.il aūa t̄ bē de rediſſ.

E ¶ Et ſi baron & fēe ſont diſſ.& recoū p aſſ.& puis le bar̄ deuy,& el pꝛiſt aut̄ barō,& ſoit rediſſ.vnc̄ ils aūa bē de rediſſ.p le Regiſt̄,coūt q̄ le bar̄ ne fuit vnqꝫ diſſeiſi auant, le bꝛief voit q̄ le viē encq̄ ſils ſuer̄ aut̄ foits diſſeiſes: & ceo ne fuit le bar̄, mes ceo nē matial come ſemble, & pur ceo q̄ eſt del dēt la feme, et el fuit aut̄ foits diſſ &c. Mes ſi feme pōp aſſ.de no.diſſ. et puis pꝛiſt baron,& ils rediſſ. le pt: oꝛe il naūa rediſſ.quod vide añ 9 H 4.19.

F ¶ Et auxy rediſſ.giſt vōs ceſty q̄ fiſt le rediſſ. & vers aut̄ que ne fiſt aſcun rediſſ.ſil ſoit t̄ del terre.

G ¶ Et auxy ſi hōe recouera t̄re per aſſ.de no. diſſ. & puis ē rediſſ.de parcel de ceo, il auera bꝛief de rediſſ.

H ¶ Et en bꝛiefe de rediſſ.vōs le bar̄ & fēe,le bꝛief ſerra en le fiñ ſic.Et idem A.damna ſua in duplum,q̄ occaſione illius rediſſ.ſuſtinuit de terris ipſorum B.& S.et catallis ipſius B.in in ball' tua,pur ceo q̄ la feme nad aſcun chatel &c.

I ¶ Et ſi le v. t̄ ne voit exec̄ le bꝛief de rediſſ. il aūa Al' & Plur direct al v t̄,& ſil ne fait cço,donqꝫ il aūa attach. vers le viē direct as coꝛoñs &c.& lur ceo diſtr' infinite.

K ¶ Et appt p le Regiſt̄ q̄ home aūa aſſociac' in bꝛiefe de rediſſeiſin, & le bꝛiefe eſt tiel.

¶ Rex vic' &c.Sciatis quod cum nuper ad proſecutiō N. nobis ſuggerentis ipſum in cur̄ nr̄a coram &c. apud K p br̄ nr̄m recuperaſſe ſeiſinam ſuam verſus S. &c. recitando totū bē *uſque ibi*,ſi ſibi viderit expedire, aſſociauimus tibi dilect̄ & fidel' nr̄m R.ad p̄miſ. tecum faciend' et explēda: ita tn̄ qd' ſi ad cert̄ diem quem ad hoc ꝓuideritis, ipſum K. adeſſe cō-tigerit,tunc ipſum ad hoc in ſociū admitt̄: alioquin tu non expectata p̄ſentia ipſius R.ad p̄miſſ. faciend' & explend' ꝓ-ceda:. Et ideo tibi p̄cipimus qd' ipſum R ad hoc in ſocium admitt̄ in forma p̄dicta Mandauimus enim eidem R. quod ad p̄miſſ.tecum faciend' & explend' intend',ſicut p̄dict̄ eſt.

¶ Et p le Regiſt̄ ceſt bꝛief direct al viē ſerra cloſ.& auxy lautre bꝛief que eſt direct a ceſty q̄ ſerra aſſocie a luy,& vnc̄ ceo eſt vn patent en ſa nature.

L ¶ Et ſi hōe recouer p aſſ.de no. diſſ. commō de paſture, ou pꝛofits append̄ en aſcun ſoit',ou aſc̄ office, ou coꝛody,ſil ſoit rediſſ.de ceo il aūa bē de rediſſ. &c.& le bꝛiefe eſt tiel.

Rex

¶ Rex vic' &c. Monſtrauit nobis A. qđ cum ipſe in curia nr̄a coram dilectis & fidel' noſtris W. & ſocijs ſuis Iuſticiar̄ noſtris ad aſſ' &c. aſſign̄ apud N. per br̄e noſtrū recuperaſſet ſeiſinam ſuam verſus I. de cōmunia paſtur̄ in S. quæ pertinet ad liber̄ ten̄t ſuum in eadem vill', p̄ recognic' aſſ. no. diſſ. ibi inde inter eos capt̄, p̄dđ I. p̄f. A. de prędict̄ coīa iterum iniuſte diſſeiſiuit. Et ideo &c. acced̄ ad paſturā illam, et per eorum ſacramentū &c, de rationabil' eſtouerijs, ſic recuperaſſet ſeiſinam ſuā verſus I. de rationabil' eſtouerijs ſuis capiend' in tribus millibus acris boſci cū p̄tiñ in W. quę pertinent ad liber̄ ten̄t ſuū in eadē villa per recogn̄ aſſ. &c.

¶ Et ſi hōe recoū p̄ aſſ. de no. diſſ. aſt̄ tr̄ on teñt deuāt les baillies daſt̄ franchiſe, lou ils dō counſ. del plee deuāt Juſt. dall̄ es Juſt. t̄ grant, p̄ t̄ que les tres ſont deins ceſt liberty & franchiſe, & puis il eſt rediſſeiſi de t̄ tre, donqz il aūs bziek de Rediſſeiſin en tiel fozme. A

¶ Rex vic' Bark ſal'. Monſtrauit A. quod cum ipſe nuper arrainaſſet quandā aſſ. no. diſſ. coram dilectis & fidelibus nr̄is I & ſocijs &c. aſſign̄ per breue noſtrum verſus P. de duobus pedibus t̄r̄æ in longitudine, & vno pede t̄r̄ę in latitudine cū pertinen̄ in W. quę quidē aſſiſa per eoſdem Iuſtic' in cur̄ Abbat̄ de Reding iuxta libertates eid' Abbati per cartas p̄genitor̄ nr̄orum quondam regum Angl' & confirmac' noſtram conceſſas, corā ball' eiuſd' Abbat̄ returnata fuit placitād', ac idem A. ſeīnam ſuam de t̄ra p̄d̄ verſus p̄f. E. in ead' cur̄ recuperaſſet per recogn̄ aſſ. no. diſſ. ibi inter eos capt̄, p̄f. E. ip̄m A. de p̄d' &c iterū &c. vt in primo breui.

¶ Et auxy hōe aūa rediſſ. ſur recouerie en aſſ. de Nuſans de ſtagno iniuſte leuat̄ &c. ou de curſ. aquæ diuerſo, ou de via arctata, vel obſtructa, & le fozme del bziefe eſt tiel. B

¶ Rex vic' &c. Monſtrauit nobis A. &c. *vſque ibi*, aſſign̄ arrainauer̄ quandā aſſiſam verſus B. per br̄e noſtrum de quodam ſtagno iniuſte leuato in N. ad nocumentum liberi ten̄t ſui in K. & per recognic' eiuſd̄ aſſiſæ inde inter eos apud E. capt̄ coram eiſdem Iuſtic' diſrationauit ſtagnum illud per p̄fat̄ B leuatum eſſe proſterend', prædict̄ B. ſtagnum illud iterum iniuſte & ſine iudicio leuauit: & quia hoc iniuſtum eſt et manifeſtum contra pacem noſtram: Tibi præcipimus, qđ aſſumptis tecum &c. *vt ſupra*, accedas ad ſtagnum illud et ten̄, & per eorum ſacram̄t̄ diligenter inde fac' inquiſitiōn. Et ſi per inquiſic' illam inueneris qđ præd' ſtagnum illud iterum iniuſte leuauerit, tunc ipſum B. capias &c. *vſque ibi*

ſpeciali,

ſpeciali, et ſtagnum illud ſine dilatione proſterni, & eidem A. damna ſua ad duplū, quę occaſione illius rediſſeiſiñ ſuſtinuit &c. *vſque ibi*, ſine dilatione fieri habere fac' iuxta formā &c. *vt ſupra*.

C ¶ Et ſēble bꝛiefs ſont en le Regiſter de Rediſſ. pur miſtoꝛner del eawe, ou del chinnin, ou offce, & tiels ſēblables.

¶ Et ſi le biē deliuer aſcuns tiels, q̄ ſōt couuicts de rediſſeiſin ſans eſpecial cōmandemēt le roy, le biē ſerra greuouſm̄t amercie, & nient meins ceux q̄ ſont iſſint deliueres ſerra greuouſm̄t puny &c. p le ſtaū de Marl' cap. 8.

doble damyges

¶ Et per leſtatute de Weſtm̄ 2. cap. 26. ceſty q̄ recoū en rediſſ. recouera double damꝰs, & les def. ne ſerra repleuiſ. per common bꝛiefe.

¶ Et per m̄ le ſtaū eſt done vn bꝛief de Poſt diſſ. en q̄l il recoūa double damꝰs auxy vers le def. &c.

D ¶ Et ſi home recoū p rediſſ. & puis eſt rediſſeiſe areē p m̄ ceſtuy p q̄ il fuit rediſſ. auant, il aūa no. rediſſ. &c. et iſſūt vn rediſſ. apꝛes auū a cheſcē fouts q̄ il eſt rediſſ.

E ¶ Et rediſſ. ſerra maiñt̄ vꝰ aſcun des diſſeiſoꝛs.

F ¶ Et ſi hōe recoū ūre per aſſ de no. diſſ. a q̄ cōmō ē appendū &c. & puis il eſt rediſſ. del common, il aūa rediſſ. &c.

G ¶ Et ſi hōe ſue bꝛief de Dr̄t cloſe, & fait p̄teſtaē en nature daſſ. de no. diſſ. & recouer en ceſt bꝛiefe, & puis eſt rediſſ il naū a rediſſ. car ē ne giſt mes ſur aſſiſe al common ley &c. Ḥ. 14 E. 2.

H ¶ Et ſi touts les iuroꝛs en laſſiſe ſont moꝛts foꝛſq̄ vn, & puis ceſty q̄ recouer eſt rediſſ. &c. ſil auera rediſſ. ou nient eſt queſtion, pur ē que le ſtatute dit, per primos iuratores et alios &c. quod vide debate Ḥ. 8. Ḥ. 5. mes il ſemble que le ſtatute fait la ley, & pur ē que il eſt penal ſtatute, il ſerra pꝛiſe ſtricte: Et pur ceo ſi touts les iuroꝛs ſont moꝛts foꝛſque vn, q̄ il nauera rediſſeiſin, pur ē que il ne poit eſtre trie per les pꝛim̄ iuroꝛs, car vn iuroꝛ neſt ſufficient teſmoiḡñ per ley meſme edire que il eſt rediſſeiſie de ceux tenements. Et pur ceo ſemble, que couient eſtre deux iuroꝛs de teſtifier cel.

I ¶ Et tenant p ſtatute merchant ou eſtapl' auera aſſiſe de nouel diſſeiſin, ſil ſoit ouſte, & auxy rediſſeiſin ſil ſoit rediſſeiſie.

¶ Et iſſint auera tenant per elegit aſſ. de no. diſſeiſin et rediſſeiſin, ſil ſoit ouſte, & ceo per ſtatute de Weſtm̄ 2. cap. 18.

A Briefe de Poſt diſſeiſin eſt done p le ſtatute de Weſtm̃ 2. cap. 26. et giſt lou home recouer terres ou tenements per Præcipe qd̃ reddat per default ou reddition, et puis il eſt ouſte arere per ceſty vers q̃ il recouer̃ &c. donq̃ il aũa ceſt briefe de Poſt diſſeiſin, & recoura les dãmages al double, & le prie ſerra puny, come il ſerra ſil fuit attaint de rediſſeiſin &c. Mes ſil recouer per aſſ̃ de Mortdanc' ou Iuris vtrum, ou en ceux actions que paſſe per iurtes & verdicts, donq̃ il aũa s̃ briefe found̃ ſur le ſtatute de Merton cap. 3. de poſt diſſeiſin &c. Et cẽ briefe ſerra direct al vicont come le briefe de Rediſſeiſin ſerra, & il fra auſtiel proces, & donera auſtiel iudgeiñt. come il fra en rediſſeiſin. Et ſi le vicont ne voile ſeruer & executer le briefe come il deuer̃, & come il eſt commandẽ a luy, le partie poit ſuer Alias & Pluries, vel Cauſam nobis ſignifices &c. et ſil ne fait riens, & ne retorne cauſe &c. donq̃ le party poit ſuer Attachm̃t vers le vicont direct as Coroners &c. & ſur ceo Diſtr. Et le forme del bꝛe de Poſt diſſeiſin eſt tiel. ¶ Rex vic' &c. Monſtrauit nobis A. quod cum ipſe in curia noſtra coram dilectis & fidelibus noſtris W. & ſocijs ſuis Iuſtic' noſtris de banco apud E. per bꝛe nr̃m recuperaſſet ſeiſinam ſuam verſus I. de vno meſuag. cum pertiñ in S. per conſiderationem eiuſd̃ cur̃, idem I. p̃t. A de p̃d̃ terra poſtmod̃ iniuſte diſſeiſ. Et ideo tibi præcipimus quod aſſumptis &c. (*vt in breue de reddiſſ. &c.*) legalibus hominibus de com̃ tuo accedas &c. *vſque ibi*, de p̃d̃ tra poſtmod̃ iniuſte diſſeiſir̃ inueneris, tunc ipm̃ I. &c. *vſque ibi*, quę occaſione illius poſt diſſeiſiñ ſuſtinuit &c. iuxta formam ſtatuti Weſtm̃, de hm̃odi poſt diſſeiſina, quiſi, & ſcire fac' p̃f. I. quod inquiſitio &c. ¶ Et en Poſt diſſeiſin le briefe ne dirra, tam de illis qui in prima iurata, ſinon en cas ou il recouer̃ per recognuſ. del aſſiſe ou turie.

B

A

B

¶ Et ſi hõe recouer en value vers le vouchée en Præcip̃ quod reddat terres ou tenements per default le vouchee, et puis eſt mis en exec̃ p le vic̃, & puis le vouchée luy diſſeiſie de eux tres q̃ il ad iſſint recouer ẽ value, ore il aũa Poſt diſſ. de ẽ terre iſſint recoũ en value vers le vouchee, & le briefe eſt tiel.

C

¶ Rex vic' &c. Monſtrauit nobis C. quod cum B, Prior de D. nuper in curia noſtra coram dilect' et fidel' noſtris R. F. et ſoc' ſuis Iuſticiar̃ noſtris de banco apud Weſtmonaſteriũ per breue petiuiſſet verſus præfat̃ C. ſeptem acr̃ prati cum pertiñ in I. idemque C. R. de S. inde placito prædict̃ vocaſſet

ad

ad warr̃,ac p defaltam quã idem R. postea fecit in eadẽ Cur̃ consideraf fuisset,qd' pred' Prior recuperaret seisinam suam versus pref. C.de pred' pl'ito, qđ idẽ C.haberet de prato p̃d' R.de S.ad valenciã p̃d' septem acr̃ prati,cuius quid̃ considerationis prætextu septẽ acr̃ prati cũ pertiñ de prato pred̃ R. de S.in G.præf.C. p tũc vic' nr̃m Glouc', virtute cujusd̃ br̃is nostri de judic' sibi in hac parte directi assign̄ fuer̃,pred̃ R.de S.,præfat̃ C.de prædicto prato sibi (vt prȩmittitur) assignat̃, postmodum injuste disseisiuit. Et ideo tibi præcipimus,quod assumptis tecum &c. xij. tam militibus quam alijs liberis et legalibus hominib⁹ de com̃ tuo, in ꝓpria &c. accedas ad p̃d' pratũ eidem C. assign̄,et per eorũ sacr̃m diligenter inde fac' inquisic'.Et si ipm̃ C.per præd' R.de præd' prato præf C. assign̄,postmodum injuste disseis. inueneris tunc ipsum R. capias, et in prisona nostra saluo custodiri fac', ita quod a prisona ill' nullo modo deliberetur sine mandato nr̃o speciali, et ipsum C. de p̃dict̃ prato sibi assign̄ reseisiri,et damn̄ sua in duplum,quȩ occasione illi⁹ post dil.tustinuit per sacr̃m pred̃ xij. taxari, et de r̃is et catallis p̃d R. in ball' tua sine dilatione fieri, et eidem C. habere fac' juxt̃ form̃ statuti de hm̃di Post disseisiñ prouisi. Et scire fac. pref.R.&c. Teste &c.

D ¶Et si le dit def. fait default al scire fac' retorn̄ serue,dõq̃ le vic̃ prendr̃ lenquest p son default, & le proces v̄s le iurie serra per precept le vic̃ a son bailie &c. de sum̃ xij. &c.

E ¶Et si home recouer en Scire fac' sur fine,ou sur recoũp eswe deuant p default le t,il aũa Post diss. vers le t̃ sil soit ouste apres de ceo terre, quod vide T. 15. H. 7.

F ¶Et si home soit conuict deuant le vic̃ sur Redisseisin,ou Post diss donque il ne serr̃ deliuer hors de prison sans especial commaundemt le Roy, & dõq̃ il couẽt suer vn Certiorare a remoũ le record deuant le roy en s bãk, & la de faire son fine oue le roy, & sur c̃ il aũa br̃ al Vic̃ de luy deliuerer hors de prison &c. Et le form̃ del br̃e a remoũ le record est tyel. ¶Rex Vic' &c. Ex parte Henrici de D. capti et detenti in prisona nostra Staff. pro quadam redisseisiua per ipsum Isabell', quæ fuit vxor Ric' de C. de medietate vnius messag' cum pertiñ in C. facẽ,vt dicit̃, vnde coram te et custod' placitor̃ coronæ nostrę in com̃ tuo p inquisitionẽ inde apud C. per br̃e nostrum tact̃ conuict̃ fuit: Nobis est supplicat̃,vt cum ipse eidẽ Isab. de damn̄ sibi in hac parte adjudicat̃ jam sit satisfact̃,et parat̃ sit nobiscũ finẽ ꝓ eo qđ ad nos pertinet in hac parte,juxt̃ formam statuti de cõi consilio regni nostri

inde

inde prouisi,facere : Velimus ipſius deliberationi prouidere, nos vt eidem H.qđ iuſtum fuerit inde facere valeamus, volentes ſup recordđ & ꝓcel.inquiſitionis pđ certiorari : Tibi ꝓcipimus,qđ ſi iudic' inde reddit' ſit,tunc recordđ & ꝓceſ. inquiſit' pđ,cum cĩbus ea tangent,nobis ſub ſigillo tuo diſtincte & apert' mittas,ita qđ &c.vbicunq; &c.vt vlter' ſup hoc fieri fac' qđ de iure &c.faciendđ &c. Teſte &c.

A ¶ Et ceſt bꝛe de Poſt deſſeiſin conient eſtre pozt p ceux q̃ pꝛimes recouera,ou per alcun de eux, & de m̃ la tre q̃ fuit recouer,ou de part de ceo,& vers m̃ ceux ou alt̃ de eux vers q̃ il recouer &c.

¶ Mes ſi hõe recou p Præc' qđ redd',& puis eſt diſſ.p m̃ ceſtuy vs q̃ il recouer,& le diſſeiſ. fait feffemt & reſt eſtat a luy & a vn aut, ozc cẽp q̃ pꝛimes recoũa aũa Poſt diſſ. vs luy & s̃ ioinderant, come ſẽble, & il aũa le pun ſhm̃ done p leſtatute,ſil ſoit troue vs luy &c.

¶ Mes ſi ceſty q̃ perd la terre per default ou reddition en Præc' qđ redd puis diſſ.cẽp q̃ recouera,& fait feffement en fee a vn auter,ou pur terme de vie, ſemble q̃ ceſty q̃ recouer aũa Poſt diſſ vers luy que luy diſſeiſie arere coment q̃ il neſt tenant del tre &c. Car en bꝛe de Poſt diſſ.le dvant naũa iuogemt de recouer la terre &c. Mes le bꝛ mitter et reſtor le pꝛa ion poſſeſſion ſil troue le diſſeiſ. &c. & pndr le def.a luy tener en ꝓiſon tanqꝫ &c.

B ¶ Et il ſemble q̃ Montenure neſt pleé en bꝛe de Poſt diſſ. pur le def.mes coũer rndr al diſſ. &c. qñt il vient ems ſur l' Scire fac' &c. Et ſil fiſt def.ſur le Scire fac' ret ſerue,le bꝛ pꝛender le tut. Tamen quære,

115 ¶ Briefe Dentre en nature daſſiſe, que eſt appel briefe de Quibus.

C Briefe de Quibus, q̃ eſt pꝛis en lieu daſſiſe, eſt ieu home eſt diſſeiſie dalcun tert ou teñts, ou rents, de que il ad eſtate en fee, donqꝫ il puit ſuer ceſt bꝛiefe &c.& le bꝛe eſt tiel.

¶ Rex vic' &c. Præc' A. quod iuſte' redd B.vnum meſuag. cum pertiñ in D.quod clamat eſſe ius & hæreditatem ſuam, de quo idem A. iniuſte & ſine iudicio diſſeiſiuit pđ B. poſt primam tranſtret dñi H. Regis in Vaſconiam &c. vt dic',& niſi &c.

D ¶ Et ſi home pozt bꝛe de diſſeiſin fait a ſon aunt, donque le bꝛe eſt dauter fozme, ſic : Precipe A.qđ iuſte &c.redd B. vnum meſ.cum pertiñ in D. quod clamat eſſe ius & hæreditatem

tatem ſuam, & de quo idem A. iniuſte & ſine iudicio diſſ. C. patrem p̄d̄ B. vel alium anteceſſorem p̄dict̄ B. cuius her̄ ipſe eſt poſt primā transfretationem dn̄i regis &c. vt dic', vel ſic, en l' Per, q̄d̄ clamat &c. & in q̄d̄ &c. niſi p̄ C. q̄ illud ei dimiſit, q̄ iniuſte E. patr̄e, vel p̄d̄ B &c. poſt primam &c. ¶ Et en le Per, & Cui ſic, Quod clamat &c. & in q̄d̄ &c. niſi p̄ C. cui D. illud dimiſit, qui inde iniuſte & ſine iudicio &c. p̄dict̄ E. patrem p̄d̄ B. cuius hæres ipſe eſt, vel p̄d̄ B. &c. poſt prim̄ &c.

¶ Et en le poſt ſic, Quod clamat, &c. in quod &c. niſi poſt diſſeiſin̄ quā D iniuſte &c. fecit E. patri vel alij anteceſſ. præd̄ B. cuius hæres ipſe eſt, vel p̄ſ. B. poſt prim̄ transfret̄ &c. vt dicit̄ & vnde queritur &c. Et niſi &c.

¶ Et cy appt p ceux briefs les formes des br̄es comēt q̄ il poit briefe de diſſeiſ. fait a luy meſme, ou de diſſeiſin fait a ſon aunc̄, en ambideux caſes le briefe ſerra, Quod clamat eſſe ius & hæredit̄ ſuam.

E ¶ Et ſi tenant a t̄me de vie, ou tenant en taile ſoit diſſ. ils poiēt ſuer brief ſur diſſeiſin de Quibus &c. Mes en cē brief ne ſerra dit, Q̄d̄ clamat eſſe ius & hæred̄ ſuā. Et en le count il declarer̄ ſon eſpecial eſtate &c.

F ¶ Et Prior ou Abbe, ou Maſtr̄ de hoſpit̄, ou cueſqz aūa brief de Quib' ſur diſſ. fait a lour p̄deceſſors de rent, ou de fre ou tenemēts. Et le briefe ſerra tiel.

¶ Præciſ. A. q̄d̄ iuſte &c. redd̄ Priori de N. vnum meſuag. q̄d̄ clam̄ eſſe ius eccleſiæ ipſius Prioris ſanct̄ Mar̄ de N. & in quod id̄ A. non habet ingreſſ. niſi poſt diſſ. quā I. inde iniuſte & ſine iudicio fecit R. quondā Priori de N. p̄deceſſ. prædict̄ Prioris poſt primam &c. vt dic', & vnde queritur &c.

¶ Et ſil ſoit diſſ. de rent, tunc ſic.

¶ Rex vic' &c. Præc' I. M. q̄d̄ iuſte &c. redd' Priori de C. tres ſolid' reddit̄ cū pertiñ in D. q̄d̄ clam̄ eſſe ius eccl'iæ ipſius Prioris S Nic' de C. Et de quibus W. D. iniuſte & ſine iudic' diſſeiſiuit W. quondam Prior̄ de C. p̄d̄ &c.

G ¶ Et laūt a le nece iond̄ ē ceſt br̄ ſur diſſ. fait al pere lun, que eſt aiel a lauter.

H ¶ Et br̄e Denē ſur diſſ. fait a ſ aunc̄ dun gorſe giſt bñ, & le brief ſerra Præc' quod redd̄ vnā gurgit̄, & en ſ count il liera les eſplets en pzend̄ des peſſons &c.

I ¶ Et iſſint il aūa briefe de Quibus ſur diſſ. dun paſſage quod vide H. 8. E. 3.

K ¶ Et ſi diſſ. enfeffe le roy, q̄ enfeffer̄ aut en fer̄, le diſſ. aūa br̄ de Quibus ſur ē diſſ. p̄s le feff. le roy en le poſt &c.

¶ Et

¶ Et si tenant en tail' port bře de Quibus sur diss. fait a lup ñ, il poit count q̄ il fuit seisi en ŝ demesñ come de frāk̄ sans mře lō ptical estate, ou coñt ř estaț cōmenț, ou puit coñț sur elp̄ matț & mře le doñ &c. q̄ vide ℙ.33. ℍ.6.16. A

¶ Et home puit añ bř Dentř de Quibus sur diss. de common, ŝ. q̄ redd̄ past' ad decem boues &c. q̄ vide ℙ.4. E.4. B

¶ Et hōe naña brief Dentř en le Post, lou il puit auer ř deins les degrées, s. en le Per ou en le Per & Cui. C

¶ Si home disseisi le pere dñ marsh, & fait ř vn prée, & le pere deup, le fitz & hře aña briefe de Quibus sur diss. fait a ŝ pere de cest prée, & p ŝ brief il demandř le prée p le nosñ de prée, & nemp per nosme de marsh. D

¶ Et issint sil soit tre couert oue ewe, & est disseisi de ř, & le disseisor fait ceo vn prée, ore le disseisee aura briefe de Quib^o, & demande p son brief le prée, & sur p̄ q̄ il fuit disseise del prée per le briefe &c.

¶ Et issint si home soit diss. del terre, & il edifie vn mease sur cest, il supp̄ disseisin del mease &c. Quære hoc.

¶ Et brief de Quibus sur diss de ostř, & le briefe est tiel. E

¶ Rex vic' &c. Præcipe H. Abbati de burgo S. Petri, quod iuste &c. reddat B. officium serieantiæ in Abbathia de burgo sancti Petri, & reditū xxiiij. panum, quadraginț lagenaț cerusiæ, & sex ferculorum cum ptiñ in vill' de burgo sancti Petri, quæ clamat esse ius & hę̄ editatem suā, & de quibus idem Abbas iniuste & sine iudicio disseis. &c.

¶ Et cesty q̄ vient eins en ală ře per recouerie, ou per election, ou succession, ou per disseisin, le briefe serra port vers tiel person touts dits en le Post. F

116 ¶ Breue de Dum fuit infra ętatem.

BReue de Dum fuit infra ætatem gist en case ou enfant deins age fait feoffement de sa terre en fee, ou a terme de vie, ou en taile a vn estranger: ore quant il vient a son pleine age, il poit añ cest briefe de recouer ceux tenements issint p̄ luy alien &c. Et poit enter deins age en ñ la ře arere, & cest rependř, & serra remittř a son auncient droit per cest entre. Mes vnț il nauera nc maintț cē brief tanț que il soit de plein agé de xxj. ans &c. car les paroix del briefe ř supp̄, &c. Dum fuit infra ætatem, p q̄ appiert q̄ il nest deins age al temps del briefe port &c.

¶ Et aury le bř dit, Qui plenæ ætaț est vt dic', p q̄ appt q̄ il couiet estre de plein age, qñt il port cē bř, & le bře est tiel. G

¶ Rex

¶ Rex vic' &c. Præc' A. quod &c. redd' B. q̄ plenæ ætatis est vt dicit, duo mesuagia &c. quæ idem B. ei dimisit dū infra ætatem fuit vt dicit &c. Et nisi faceꝛ &c. **Et sic en le** Per, in quæ idem A. non habet ingress. nisi per C. cui præd' B. illa dimisit. ¶ **Et en le** Post sic: In q̄ &c nisi post dimis. q̄ p̄d' B. dum infra ætatē fuit inde fec' W. vt dic', & vnde queritur, & nisi &c. **Mes cest clause**, quæ plenæ ætatis est, **ne serra mis en lez bꝛes de** Per, Cui, **ou** Post, **mes soleñt en le pꝛiñ bꝛief, Per dimission fait per le dõant al tenant.**

I ¶ **Et si home pozt cest bꝛief de Alienaꝛ son anꝛ, donqꝫ cest clause**, Qui plenæ ætatis est, **ne serra mis en le bꝛe, & vnꝛ enfant aũa bꝛief de** Dū fuit infra ætatē **de seesin & alienatiõ son aunꝛ durant son nonage, & le bꝛief serra tiel.**

¶ Præc' A. quod &c. redd' B. vnum mesuag. cū ꝑtiñ, quod clam esse ius &c. & in quod idem A non hꝫ ingres. nisi per C. patrem, vel alium anteces. præd' B cui⁹ her ipse est q̄ illud ei dimisit dum infra ætatem fuit: *vel sic*, Quod clam &c. et in quod &c. nisi per C. cui D. aua p̄d' B. cuius &c. dū ead' D. &c. **Et en le Post:** Quod clam &c. & in qd' &c. post dimiss. quā D. amita, vel consanguinea p̄d' B. cuius her ipse est, dū ead' D. &c. inde fecit H. vt dic', & vnde queritur &c.

K ¶ **Et si ꝯ enfants sont Jsintenants, & ils alien le terꝛ durant lour nonage, & lour plein age ils courent suer seuerals bꝛes de** Dum fuit infra ætatē p̄ t̄ que le cause del actiõ est lour nonage, le q̄l est seũal, car le nonage lun nest le nonage lauꝛ, ne lalienaꝛ lun nest lalienaꝛ lauter.

L ¶ **Et si baron & feme alien les fres la fēe durant le nonage le baron & la fēe, el a ꝑ plein age apꝛs le mozt le baron aũa** Dum fuit infra ætatem de cest alienation. M. 14 E. 3.

¶ **Mes si le baron fuit de plein age, & la feme deins age, & ils ꝯ. alien les terres la feme, & puis le baron deuie: oze si la feme aũa cē bꝛiefe de** Dum fuit infra ætatem ē q̄stion: **Et semble a moy, q̄ el aũa** Dum fuit infra ætatem, ou Cui in vita a **son pleasure, car quant ils ioīn en fesfemēt del fre la feme, il serra dit le fesfemēt la feme tanqꝫ la fēe disagree, car si le baron & fēe font done en taile, ou lesse a feme de me del fre la fēe, rendant rent, si le baron deuie, le reũsion est soleñt en la feme, & el puit accept le rent, et ceo liera ley et ses heires, & donqꝫ si el ne voil' accept le rent, mes pur ceo q̄ el fuit deins age al temps del fesfemēt, si el voil' pozt dum fuit infra ætatem, il sēble q̄ el serra receiue a ceo, car per ceo sont el affirm̄, que el fist le fesfement, & donque ne serra dit le**

fesfement

ſeffemt le baron ſolemt, mes le feffemt la feme ſolemt apꝛs la mozt le barꝝ, ſi el affirm̃ ꝑ deſtꝝ ſon feffemt: & per le Dum fuit infra ætatem el affirm̃, que el fait le feffemt durant le couerture &c. Et dauter part poet eſtre dit, que el ne affirm̃ ceo deſtꝝ loyal feffement fait per luy. Et auxy p feffemt le baron lenꝫ la feme ſerra tol: mes per le feffement la feme durant ſon nonage, ſon entre ne ſerra tol: et ideo quære la ley.

117 ¶ Briefe de cui in vita.

BRiefe de Cui in vita giſt, ou le baron alien en fee le dꝛt a heritage la feme, ou le frankꝫ la feme p feffemt ou dimiſe a term̃ de vy ou en taile, donqꝫ apꝛes la mozt le barꝝ la feme aũa Cui in vita contradicere non potuit. Et ceſt bꝛief giſt bien lou la feme ad eſtate a term̃ de vie ou en taile, & le baron alien ceſt eſtate & titl' la feme, donqꝫ la fem̃ apꝛes ſa mozt aũa ceſt bꝛe. Et ſi la feme ne ſue le bꝛe durant ſa vy, donqꝫ ſi el aueꝫ eſtate de fee ſimple, ſon heire aũa vn bꝛiefe q̃ eſt appel Sur cui in vita apꝛes ſa mozt. Et ſi la fem̃ auera eſtate taile, & ſa barꝝ alien & fait feffemt de ceo eſtate donqꝫ ſi la fee deuy, ſ heire aũa le bꝛief de Formedꝝ en diſcendꝝ de recouer ceſt eſtate, et nemy le bꝛe de ſur Cui in vita, car ceſt bꝛiefe de Cui in vita & de ſur Cui in vita, ſont bꝛiefs founꝺ p le comen ley, & de eſtate de fee ſimple, car ne fuit auꝫ eſtate q̃ ne poet diſcendꝺ p le cõn ley mes fee ſimplꝫ, car ſi le ſir p cõen ley dõñ la tre a teñ de luy, ſi le t deuy ſans heire, il auera bꝛiefe deſcheit.

A

B

CIſſint: ſi hõe p comon ley den tre a vn & a ſes heirs de ſon cozps &c. ſil deuy ſans heire de ſon cozps le ſeigñ que fait le doñ ou ſon heire aũa Forñ en reũt de ẽ eſtate p defaut diſſu extient de ceſtuy a q̃ tiel doñ fuit fait, mes vnꝫ t doñ aũa fee ſimple cõe ſemble a moy, & ẽ appiert p leſtatꝫ q̃ dit de tenem̃tis, quæ multotiens dantur ſub conditione, per queux parols appiert, q̃ ceſt done auera vn condition emplie en cel, ſ. q̃ il reuertꝫ pur defaut de tiel iſſue, & per reaſon de tenure reſerue &c. mes il ne appiert p le ſtatꝫ, q̃ il auera eſtate taile dauter nature q̃ leſtate q̃ fuit p le comen ley, & le fozme de bꝛiefe del Cui in vita eſt tiel.

¶ Rex vic' &c. Precipe A. qꝺ iuſte &c. reddat B. q̃ fuit vxor D. vnum meſ. cum pertiñ in N. qꝺ clamat eſſe ius & hæreꝺ ſuam. Et in qꝺ idẽ A. non habet ingreſſum niſi per ꝓdict D.

C

quond̄ virum ipſius B. qui illud ei dimiſit, cui ipſa in vita ſua contradicere non potuit vt dicit.

D ¶ Et ſi el tient en frank mariage, & le baron alié, donqz le
E briefſerra Quod clamat ius eſſe & maritag. ſnum, et in qd̄ idē A. &c. niſi p C. cui p̄d̄ D. quond̄ vir ipſius B illud *vt ſ.* Et ceſt briefe de Cui in vita puit eſtr̄ ē le Per, Cui, & Poſt, & en le Poſt le briefe ſerra: Et in qd̄ idē A. non habet ingreſſū, niſi poſt dimiſſionem, quod præd̄ D quondam vir ipſius B, cui ipſa in vita ſua &c. non potuit, inde fecit, vt dic', & vnde queritur &c. et niſi &c. *Vel ſic.* Quod clam̄ eſſe ius ſuum de dono ſ. qui ipſam B. inde feoffauit, & in quod &c.

F ¶ Et ſi bar̄ et fem̄ purchaſe ioyntment, et le baron alien tout en fée et deup, ore la feme auera briefe de ceo forme, Quod clamat eſſe ius ſuum de dono I. q̄ ipſam B p̄dict̄ C. quondam virum ſuum inde feoffauit. et in quod &c.

G ¶ Et ſi el ad eſtate taile a luy & a ſes heires de ſ̄ corps, & de corps ſon bar̄ ingend̄, dōqz le briefe eſt: Qd̄ clamat tenēr̄ ſibi & hered̄ de corpore ſuo, & de corpore p̄d̄ D quōdā viri ſui exeūtibus, ex dimiſſione I. *Vel ſic*, quod clamat eſſe ius ſuum ex dimiſſione quod I. inde fecit eidem B. & præd̄ D. quondam viro ſuo, & hered' ipſius B. & la le baron auera ioint eſtate oue ſa feme pur term̄ de ſa vie.

H ¶ Et ſi la fée claim̄ en dower les fres, dōqz le brief ſerra, qd̄ clamat eſſe dotem ſuam ex dono D. primi viri ſui vel ſecūdi viri ſui, Et in qd̄ &c. niſi p præd̄ C. ſecundum virum ipſius B. vel ttiū virum, qui illud ei dimiſit &c. Et ſi el tient a term̄ de vie ex dimiſſione, dōqz le brief ſerra. Qd̄ clamat tenere ad vitam ſuam ex dimiſſione quam I. inde fecit eidem B. & p̄ſ. D. quōd̄ viro ſuo ad vitam eorundem B. & D.

I ¶ Et ſi le baron & fée pō p defaut les fres la fée, apres la mort le bar̄, el aūa Cui in vita pur recouerer ceux fres iſſint pō per defaut: mes ſi home recouer per Ceſſauit fres le fem̄ per defaut le bar̄, & feme ſurceſſ. durant les eſpouſels eſtre, ſi le baron deuie, la feme nauera Cui in vita de ceſt recouer̄, qd̄ vide Trin̄ 4. E. 2.

K ¶ Si le bar̄ & la fée & le tierce pſon purchaſe ioyntment, & la bar̄ alié tout en fee & deuie: ore la fée auera Cui in vita come ſemble del moitie viuant le tierce iointer: car ſemble q̄ ceſt alienac̄ fuit ſeuerance del iointour: vide le cas P. 36. E. 3. en title de Cui in vita en les abridgements. Et ſi
L le bar̄ alien le corodie en fee que ſa feme ad, & ne ſerra aſt̄ diſcont, mes q̄ la feme poet dōer ſon corodie.

¶ Si

¶ Si baron & feme eschange le fre sa sem̃, & prist auters fres pur cest, si la sem̃ agree al eschang, ꝑs la mort le baron, el naũa Cui in vita. ¶ Et si la sem̃ accept ꝓces del fre en dower de q̃ el aũa Cui in vita, el serra barr̃ de son Cui in vita ꝓ ceste acceptence del residue. A

¶ Si baron & sem̃ sont joint̃ auant le coũtur̃, & le baron alien tout & deuie, el nauera Cui in vita forsqs del moity, mes fils sont joint̃ de purchas durant le coũture, & il alien tout la fre & deuy, sa sem̃ aũa Cui in vita de tout la fre, pur ceo q̃ sont come vn ꝑson durant lespousels pur ast̃ purch. fait ꝓ eux. Et briefe de Sur cui in vita gist pur ihr̃ la feme, lou le baron alien la fre en fee, & le briefe est tiel.

¶ Præcipe A. qd̃ &c. reddat B. vnum mes. cum pertiñ in N. qd̃ clamat esse ius et hereditatem suam, et in quod &c. nisi per C. quond' virum D. matris pręd' B. cuius heres ipse est, q̃ illud ei dimisit, cui ipsa D. in vita sua contradicere non potuit, vt dicit, nisi &c.

¶ Et en le ꝓ & cui sit: qd̃ clamat &c. Et ẽ qd' &c. nisi ꝓ C. cui D. quond' vir E. matris, amitę, sororis vel consang. præd̃ B. cuius heres &c. illud ei dimisit, cui ipsa D. in vita &c.

¶ Et en le Post le briefe serra iſſint: Nisi post dimissionẽ quam I. quondam vir C. matris præd' B & amitæ præd' M. cuius hæred̃ ipse sunt, cui ipsa C. in vita sua contradicere non potuit, inde fecit, vt dicunt, & vnde queritur &c. & nisi &c.

¶ Et per ceo briefe appiert, q̃ launt & le nece potent bñ joind̃ en briefe de Sur cui in vita sur alienation fait per le baron lour common aunẽ, ou sur reẽ ewe ds le baron & le feme q̃ fuit le comon aunẽ a eux. Si le second barr̃ alien les terres la feme, & il & sa sem̃ deuiẽ, ore issue ent̃ la sem̃ & le ꝓm̃ barr̃ auera Sur cui in vita vers le alienee comẽt que le second baron soit en vie, sil ne fuit entitle destr̃ teñt per le curtesie, mes si le second baron fuit entitle destr̃ teñt per le courtesie donqs le issue le ꝓm̃ baron naura cest briefe de Sur cui in vita duẽ la vie le second baron. D E

¶ Et Sur cui in vita fuit maint̃ de rent. M. 12. E. 3. F

¶ Et en Cui in vita le demise ou le done allege en le briefe est trauersable. G

¶ Et si home doñ terres a vne feme de luy espouser, ꝓ q̃ el luy espouse, & puis le baron alien ceux teñts & deuie, ore la feme auera Cui in vita de ceux tenemẽts iſſint dones a luy per son baron. H

¶ BReue de sine assensu capituli gist en cas ou deañ, ou e-
nesqz, ou p̄bendary, ou abbe, ou p̄or, ou maist̄ de hospitall
alien les tres q̄ ils ont en dzoit lour meason, ou abbey, ou
p̄ozy, sans lassent lour couent, ou chapt̄, ou lour confreres
&c. ozc cesty q̄ est le successoz aña cest bziefe. Et cest bziefe
poet estr̄ en le Per, Cui, & Post. Et le bziefe est tiel. ¶ Rex
vic' &c. Precipe A. qd̄ &c. reddat B. Episcopo de S. vnum
mes. cū pertiñ in N. qd̄ clamat esse ius ecclesiæ ipsius episco-
pi S. Mariæ de S. & in qd̄ idē A. non habet ingressū nisi per
H. cui R. quondā episcopus de S. p̄decess. p̄d̄ nunc episcopi il-
lud dimisit sine assensu & voluntate capituli sui, vt dicit &c.

¶ Et pur maister de hospitall le bziefe serra.

¶ Rex vic' &c. Præcipe A. qd̄ iuste &c. reddat B. custod̄ hos-
pitalis S. Mariæ Magdal' Linc' vnum mes. qd̄ clamat esse ius
hospitalis sui p̄d̄, et in quod idem A. non habet ingres. nisi
per D. quondam custod̄ hospitalis p̄dict̄, que illud ei dimisit
sine assensu et voluntate fratrum et sororum eiusdem hospi-
talis, vt dicit, & nisi &c.

Et pur vn pzebend̄ le fozm̄ del bziefe est tiel.

¶ Rex vic' &c. Precip̄ A. qd̄ &c. redd̄ B. p̄bendario p̄bendæ
de D. in ecclesia beati Petri Ebor̄ vnum mes. &c. in A. quod
clamat esse ius prebend̄ prebend̄ suæ. Et in quod &c. nisi
post dimissionem, q̄ R. de B. nuper prebendarius prebend̄
p̄dict̄ p̄decess. prebend̄ p̄dict̄ sine licētia & voluntate archie-
piscopi Ebor̄, decani & capituli ecclesiæ prædict̄, inde fecit
W. de R. vt dicit, & vnde queritur &c.

¶ Et pur le p̄zioz de S. John de Jerusal' en Engleterre
gist tiel bziefe sur lalienation son p̄decess. sic: Quod reddat
B. priori hospital' S. Joh. Ierusalē in Angliæ &c. quod clamat
esse ius ecclesiæ suæ S Ioh. Ierusal' in Anglia, & in quod nō
habet &c. nisi per W. quōdam priorem S. Io. &c. p̄decess. p̄d̄
nunc prioris, que illud ei dimisit sine assensu capituli, vt di-
cit, & nisi &c. Et le p̄zoces en ceux bziefes est sum̄, graund
Cape, & petit Cape.

¶ Et icy appiert q̄ p̄bend̄ auera bziefe de sine assensu ca-
pl'i, & per ē semble, q̄ il ad fē simple en luy q̄ est p̄zebenda-
rie, & vncoze vn p̄zebend̄ poet enter sur lalienation fait per
son p̄zedecessoz come vn parson fra sur alienation fait per
son p̄zedecessoz.

¶ Et auxy vn p̄bendarie auera Iuris vtrum sur alienatiō
fait p son p̄decess. p q̄ semble, q̄ il nauera greinder estate q̄
vn parson, mes vncoze il semble reasonable q̄ il auera cest
bziefe

briefe de Sine aſſenſu capituli, pur ẽ que il & leuesque et le chapter ſont vn corps, & ſount come vn corps en ley coũt que lour poſſ. ſont ſeuers & deuides entr̃ eux, & cheſcun de eux aplay eſt incorporate de vſer action pur ſon poſſ. ſole en ſon noſme demeſne.

¶ Et home aũa bẽ de ſine aſſenſu capituli vs vn m̃ hõe p A
diũs pcipes en le bẽ de fres en diũs villes, & ſur dimiſſ. de diũs de ſes pdeceſſors. Et ſerra maint, qd̃ vide H. 33. E. 3.

¶ Mes ſi vn pbendary ou Eueſq ou abbe ſoit diſſ. & puis B
il reſ̃ al diſſ. il ſemble q̃ cco eſt alienation, ſur q̃ il poet auer briefe de Sine aſſenſu, car ſi le diſſ. la deuy ſeiſi apres ceſt reſ̃ fait, le ſucceſſ. naũa auſ̃ remedy, ſinon ceſt briefe de Sine aſſenſu capituli, ou brief de droit &c. mes ſi le diſſ. ne deuy apres tiel reſ̃ fait, il ſemble donqz q̃ le ſucceſſ. poet entre ſur le diſſ. nient obſtant le reſ̃ le pdeceſſ. fait a luy, car per ceſ̃ leas ne paſſ. plus que il poet droiturelment releas &c.

119 ¶ Briefe daſſiſe de Mortdaunceſter.

BRiefe de Mortdanceſt̃ giſt en cas ou mon pere ou meſ̃, C
mon frere ou ma ſoer, ou mon vncle ou aunt, ou neueu̇e ou nece, morust ſeiſi dalcun fres ou tenemẽts, ou de rents, ou de corody, ou auks rents, come galyns ou capons, iſſ. hors dauſ̃ fre de eſtate de fee ſimple, ore ſi eſtrange abate en cel fre, rent ou profit apres lour mort, ceo q̃ luy lour heire aũa ceſt briefe daſſiſe de Mortdanceſter.

¶ Et ſi le aunſ̃ fuit ſeiſi le iour q̃ il morust dalcun fre ou D
rent, ou auks choſes ſemble deſtate de fee ſimple, coũt que eſtrang. enſ̃ et luy diſſeiſit de ẽ fre ou tenemẽts, ceſt iour q̃ il morust, iſſint q̃ il ne morust ſeiſie de ceo terre ne rent &c. vnſ̃ ieo q̃ luy ſon heire aũa ceſt briefe daſſiſe de Mortdanceſter, pur cco q̃ le briefe ne ſupp̃ q̃ mon aunſ̃ deuy ſeiſie, mes le briefe dit, parati ſacramento recogn̄, ſi W. pater &c. fuit ſeiſitus in dominico ſuo vt de feodo, die quo obijt &c.

¶ Et ceſt ſuffiſt, coũt que il ne deuy ſeiſi. Et la forme de E
briefe eſt tiel.

¶ Rex vic' S. ſalutem. Si A. feceſ̃ &c. tunc ſum̃ &c. xij. liberos & legales homines de viſn̄ de N. qd̃ ſint coram Iuſticiar̃ noſtris ad primam aſſiſam cum in partes illas venerint, vel coram Iuſticiarijs noſtris apud Weſtmoñ octauis &c. vel coram dilectis & fidelibus noſtris D. & E. & hijs quos ſibi aſſociauerimus ad certũ diem & locũ, quos ijdem D. & E. tibi

Scire fac' paratꝰ ſacrāmto recognoſcere, ſi W. pater ꝑd' A. vel mater, ſoror, frater, auuncul', vel amita fuit ſeiſitus in dñico ſuo vt de feod' de vno meſuagio & vna virgata terræ cum pertiñ in N. die quo obijt. Et ſi obijt poſt coronatiõ dñi H. regis. Et ſi idem A propinquior heres eius ſit, & interim præd' meſuag. et trꝛ videant, et noīa eorum imbreuiari fac', & ſum̃ ꝑ bonos ſum̃ B. qui ꝑd' meſ. et trꝛ nunc tenet, qd' ſit ibi ad audiend' illam recogn̄, & hẽas ibi ſum̃ & hoc bꝛe. Teſte &c.

F ¶ Et ſur ceſt bꝛief il ne beſoign̄ dañ aſcũ eſpeꝛ patẽt, car le geñal patent fait as Juſt. ſeruer̃ ꝑ ceſt bꝛief. Et ſi le bꝛe ſoit, quod ſit coram dilectis et fidel' noſtris D. & E. et hijs quos ſibi aſſociauerimus, donꝯ ils vſe dañ eſpecial patent direct a m̃s les Juſt. &c. Mes ſi m̃s les Juſtiꝛ̃ ſont les Juſtiꝛ̃ daſſ. en ceo com̃, donque lour general patẽt ſeruer̃ pur ceſt aſſ. cybñ come ils auera eſpecial patent &c. Et le eſpecial patent eſt tiel.

¶ Rex dilecꝯ & fidelibꝰ ſuis D. & E. ſalutem. Sciatis quod cõſtituimus vos Iuſt. noſtros vna cum hijs quos vobis aſſociauer̃ ad aſſ. mortis anteceſſoris capiend', quam A. arraiñ coram vobis per breue noſtrum de vno meſ. & vna virgata terræ in N. & ideo &c. *vt in patent' aſſ. no diſſ.*

G ¶ Et home puit añi vn aſſ. de Mortd' de dñs rents & ſeruic' diuers & ſeũal tenants. Et en le fiñ de l'enquer̃ ſerra ſeũal ſum̃ vers les teñts, Et le foꝛme del bꝛief eſt tiel.

¶ Rex vic' &c. Si A. et B. fecer̃ &c. tunc ſum̃ xij. liberos &c. parati ſacrāmto recognoſcere ſi W. patꝛ ꝑd' A & auꝰ ꝑd' B. fuit ſeiſitus &c. de decem ſolid' redditus cum pertinen̄ in N. et ſi obijt &c. Et ijdem A. et B. ſint ꝓpinqueoꝛ̃ &c. et interim teñtum illud, vnde redditus ille ꝓuenit, videant, et nomina eorum &c. et ſum̃ ꝑ boñ ſum̃ S. qui ſex ſolid' redditus eis inde deforc', & T. qui quatꝛ ſolid' redditus eis ind' deforc', qd' tunc ſint &c. Et per ceſt bꝛiefe appiert que launt & le nãce toinꝺ en aſſ. de Mortd', & ceſt ꝑ le ſtatꝫ de Glouceſtr̃ c. 6.

H ¶ Et ſi lheꝛ̃ q̃ poꝛt laſſ. de Mortd', ſoit deins age, il ne troueꝛ̃ pledg. de purſuer &c. Et ꝑ l'enquer̃ le foꝛm̃ de bꝛief ſerra ꝺ aut foꝛm̃, & ne dira. Si A. fec' te &c. ꝑ le came auantdit, nies ſic.

¶ Rex vic' &c. ſum̃ &c. xij. liber̃ et legal' homines &c. ſi W. patꝛ ꝑd' A. qui infra etatẽ eſt vt dic', fuit ſeiſit̃ &c. Et ne dirra en le bꝛiefe, et ſi obijt poſt coronac' &c. quia conſtat per ætatem pueri &c. Mes ſi ſont pluſoꝛs ſoers dõ, & aſcuns ſoyt deins age, & aſcuns de plein age, donꝯ le bꝛiefe ſerra del comon foꝛme, come ſi touts fuer̃ de plein age.

¶ Et

¶ Et si hõe ale ou ī ẽ mere en pilgremage, & deuy la, dõ-
q̃ son heire auera bẽ de Mortdaunc' dauter tozm̃, silicet, tiel.
¶ Rex vic' &c Si A. fec' ī &c. sum̃ xij &c. si W. pat̃ p̃d̃ A. fuit
seisit̃ in dñico suo &c. de reddit̃ vni⁹ claui gariofili, cum per-
tiñ in N. die quo it̃ peregrinat̃ arripuit versus ter̃ sanct̃, vel
versus Hierosolim̃, vel versus sanct̃ Iacobum, in quo itinere
obijt, vt dic', & si iter illud arripuit post coronatioñ &c.

¶ Et ẽ ceſt bzief il ſuffist, ſil fuit ſiſ̃ le tour q̃ il ale hozs de
terre, & p̃nt le mere, coñt q̃ il ne fuit le tour de ſon mozt.

¶ Et ſi le pte enk̃ en le relig. & la eſt pfeſſe, donq̃ le fits
auer̃ mzt̃, ſi eſtrange abater en la tre, & t̃ bẽ ſerra. Si W.
pat̃ &c. die quo habit̃ religioñ assumpsit in quo habitu pro-
fessus fuit, vt dic'. Et si habit̃ ill' assumpsit post coronac' &c.

¶ Et ſi home ad cozody a luy & a ſes hẽes, ſil moz ſiſ̃, ou
fuit ſeiſi de ceo tour de ſon mozant, ſon heire auera aſſ. de
mortd̃ de ceſ, ſil ſoit dezozẽ de luy &c. & le bzieke ſerra.
¶ Rex vic' &c. Si W. fec' &c. tunc sum̃ &c. xij. liberos &c. de
visñ villæ Westm̃, q̃d̃ sint &c. parati &c. Si L. mat̃ prædict̃
W. fuit seisita in dñico suo vt de feodo de xl. s. reddit̃, & red-
ditu lxij panum, trium lagenarum vini, xx. lagenar̃ seruicię
& xxx. ferculorum cum pertiñ in villa Westm̃ die quo obijt.
Et si obijt &c. Et si idem W &c. & interim ten̄, vnde redditus
ille prouenit videant, & sum̃ &c T. Abbat̃ Westmoñ, et fra-
trem R. de B & fratrem K. de S commonachos eiusdem ab-
batis, que reddit̃ p̃d̃ ei defor', quod tunc &c.

¶ Et lozd̃ de mẽe les pceis ẽ t̃ bẽ fra fait, cõe il fra fait ẽ C
bẽ de dzoit. Et hõe aũa certifi. sur cẽ bẽs & auxy bẽes de As- D
soc', & de Si non omnes ctbñ come il auera en aſſ. de no diſſ.

¶ Et p̃ leſtat̃ de Glouc' ca. 3. ſi t̃ p̃ le curteſy alien le inhe- E
ritance la feme en fee & deuy, iheire la fẽe aũa aſſ. de mortd̃,
ſyl nad aſſets per diſcent per le tenant per le curteſy, & t̃
ſerra ctbñ lou la feme ne fuit ſeiſi del terre le toure que il
mozuſt, com lou el fuit ſeiſy de ceo: car ceſt bzieſe eſt doñ
per ceſt ſtat̃.

¶ Et ſi le ſñr ad le gard del hẽe ſon tenant, & quant il vi- F
ent a ſon plein age, le garden ne voit luy ſuffẽ dent en la
terre, oze iheire auera aſſ. de mortd' vers le gardein p̃ leſtat̃
de Marlebr̃ ca. 16.

¶ Et le pzoẽ en aſſ de mortd' eſt vers le party ſum̃, & ſi il G
fait default al tour del aſſ.ẽ, donq̃ le pl' coutent ſuer reſum̃
vers le party: & ſil fait auerfoits default, donq̃ laſſ. ſerra
pzis per ſon default.

¶ Et ſi hõe vouch. en aſſ de mortdanc', & al prim̃ iour le vouch fait default, donqz iſſera reſom̃ vs luy. Et iſſint ſi le t ou le vouch. al prim̃ iour ſoit eſſoiñ &c. & puis al iour doñ per eſſoiñ le t ou le vouch. fait default, reſom̃ ſerra ag. mes ſi le t al prim̃ iour ſoit eſſoin de ſeruice le roy, et puis fait def. al auť iour, laſſ. ſerra pris per ſon def. &c.

H ¶ Et ſi le briefk̃ mortdanc' ſoit porz p diũs ſum̃ vs diũs ťs, donqz laſſ. poit eſtre pris vn ſoits vers vn ť, & auter ſoits vers lauť ť &c. quod vide añ 3. E. 3. lť North.

I ¶ Et mortdanc' ne giſt pur fres deuiſables per le teſtament, pur ceo que title poit accrue al auter que al heire per le teſtament &c. & vnť le brief eſt voier, que il fuit ſeiſi die quo obijt &c: quod vide añ 22. E. 3 lib. Aſſ.

K ¶ Si home ſoit ſeiſi en taile, le rem̃ a ſes droit heires, et puis il deuy ſans iſſue de ſon corps ſeiſi, & eſtrange abate, ſi iheire añ̃a aſſ. de mortdanc' eſt qneſtiõ. Mes H 33. E. 3. le heire auera aſſ. de mortdaunc'. Et añ 12. H. 3. lť Suff. M. 5. H. 4. lopiñ daſcun eſt, q̃ ſi le rem̃ ſoit a ſes droit heires q̃ donqz il naũa aſſ. de mortdanc': mes ſi doñ en taiť ſoit fait a vn, le rem̃ a luy & a ſes droit heires, que donqz il aueť aſſiſe de mortõ, pur ť que il auera le rem̃ en fee a luy & a ſes heires: Mes il ſemble que il nauera aſſ. de mortdanť ẽ iun caſe ne en iauter: car les paroix de briefe ſont, Si W. pater &c. fuit ſeiſitus die quo obijt in dominico vt de feodo, & ceo ne fuit il my, car il fuit ſeiſie in demeſne vt de feodo talliato, et nemy en demeſñ come de fee, & pur ceo le iuť ne poit trouer que il fuit ſeiſi en demeſne coñ de fee, car de le demeſne il fuit ſeiſie en taile, quære veritatem.

L ¶ Et ſi launť deuy ſeiſie, & ad ij. ſoers ſes heires, iun nauera mortdanc' vers iauter, car ceſt briefe giſt vers eſtrange, & nemy enter prinies de ſanke.

¶ Et iſſint in gauelkinde iun frere nauera mortdaunceſt vers iauter frere pur le priuity del ſanke: mes il conient ſuer le Nuper obijt vers ſon frere, ou iun ſoer vers iauter &c.

¶ Et in 13. H. 3. lť Suff. le puiſñ frere auera mortdaunc' vers leſtrange, & recouera ioun leigne frere ala ouſtre la meře coñt que il ne fuit mort, pur ť q̃ fuit 18. ans paſſ. que leigne frere aler ouſter le mere.

¶ Et añ 13. Ed. 1. fuit adiudge accorz̃ en les yeares de North. ioun le puiſne frere reť per mortť, ioun leiſne paſſ. le mere, & eſt en vie.

¶ Briefe

B Briefe de Nuper obijt gist en cas ou latel, ou pere, ou frere, ou vncle, ou auter aunceſtr̃ del dõant deuie ſeiſie des terres ou tenẽts ou rents de eſtate de fee ſimple, & puis lour mozt, vn des heires de meſm̃ launr̃ ent & defozce les dõãts &c. ozc ceſty ou ceux q̃ eſt iſſint defozce aũa ceſt brẽ vs lour coparceñ: Et ceſt briefe gist pur vn coheire vers les auters, ou pur diũs coheires vers vn ou pluſozs, cõe le cas eſt, & couient eſtre lou le cõmon aunr̃ deuy ſeiſi del tre &c. deſtate de fee ſimple: Car ſi lun ſoer defozr̃ lauter ſoer del terre, dont lour aunceſtr̃ deuie ſeiſi de eſtate de fee taile, ſa ſoer aũa Formedon vs le ſoer q̃ luy defozce &c. et nemy Nuper obijt, & la fozme del briefe eſt tiel. B

¶ Rex vic' &c. Si A. & B. fecerint &c. tunc ſum̃ &c. C. quod ſit coram Iuſtic' nr̃is apud Weſtm̃ tali die &c. oſtenſ. quare deforc' præf. A. et B. rationabilẽ ptẽ ſuã, quę eas contigit de hæreditate, quę fuit W. de N. patris, matris, vel alterius anteceſſ. p̃d̃ A. B. et C. cuius hæredes ipſę ſunt, & quę nup obijt vt dicit̃ &c. Et habeas ibi ſum̃, et hoc breue &c. Teſte &c. B

¶ Et le briefe poit eſtre pozt p laũt vs le ſoer & ſa nece, & donqz le briefe eſt tiel. ¶ Rex vic' &c. Si A. et B. vxor eius fecerint &c. tũc ſum̃ &c. C. et D. quod ſint &c. oſtenſ. quare deforc' p̃fat. A. et B rationabilem partem ipſius B. quæ eam contingit de hæreditate quæ fuit E. in N. matris prædict̃ B. et C. & proauæ p̃dict̃ D. cuius hered' ipſę ſunt, et quæ Nuper obijt vt dic', et habeas &c. B

¶ Et ceſt briefe gist ent̃ coheires en Gaulkinde cibñ cõe enter femes q̃ ſont coparceners. Et ſi lun copceñ ſoit defozce per lauter copcener, et per vn eſtrange, el auera le Nuper obijt vers ſon coparcener, et ceſt toint̃ ne abatera le briefe, per le rule en le Regiſter. C

¶ Et aury per le rule en le Regiſter en Nuper obijt, non tenure de parcel de choſe demaunde nabatera le briefe. D

¶ Et ſi ij. copceñs enter aps la mozt launr̃ & defozr̃ le iij. ſoer, & puis font ptition enter eux, & puis lun deux alien purparé a vn eſtrange en fee, vncozc le tierce perſon aũa le Nuper obijt vers ſes ij. ſoers, nient obſtant ceſt alienar̃, & recouera le tierce part de ceo, dont le copceñ que ne alien fuit ſeiſe &c. Et pur recoũ le tierce pt de launr̃ copceñ, que eſt en le maine leſtrange el couient ſuer Aſſiſe de mort daunc' en ſon noſme, & en noſme de ſes auters coparceñs &c. ou briefe datel, come ſon caſe giſt. E

¶ Et ſi lun copceñ enfeffe eſtrãge en fee, & repz. ſt eſtate a luy F

luy en fée, ou a terme de vie, vncore semble que Nuper obijt gist vers luy p laut pcen, sil ne disclaim en le lanke, M.2. E.2. Et ceo semble reasonable. Mes M.21. E.3. & M.45. E 3 est tenus contrary. Mes seueral tenācy, ou nōtenuē nest bon plée en Nuper obijt pur le pzinitie del lank, mes il poit claim per purch. & disclaim en le lank, & ē est bon plée.

G ¶ Et Nuper obijt gist enter soers de demy lank.

H ¶ Et si Nuper obijt soit pozt del seisin laiel, darrein seisin en le pere nest plée sans alleage mozāt seisi en le pere &c.

I ¶ Nuper obijt gist del seisin le tresaiel.

K ¶ Et le Nuper obijt content estre pozt per cestuy copercener que est defozce &c vers touts les auters coparcens, coment q̄ alcuns de eux nontriens en le tenancy &c.

L ¶ Et appiert T.4.E.2. q̄ Nup obijt gist de seisin s̄ pere, si le pere fuit seisi le iour q̄ il mozust, ou le iour auāt &c. car

M ceo amount cōe mozāt seisi &c. ¶ Et si lun soer ad issue fits & deux, & le fits enfeffe vn feme en fée en tout la tre, & puis luy pzist al feme: ozc le Nuper obijt ne gist p̄ lauter copcen vs le baron & fée, mes ia il poit pozt le Mortd̄ en s̄ nom̄, & en le nom̄ le baron vs le baron & fée, añ 8.E.1. lt. Kanc.

N ¶ Villein & sa feme nauera Nuper obijt vs le copercener sa feme, p̄ ē q̄ il nest enfranchise p̄ lespouls is lun copercen q̄ fuit vn des ses sīrs, a q̄ el fuit villein auant.

O ¶ Et si le pere done terres en frankmarriage a lun soer, & deux seisi en fée de auters terres, el nauera Nuper obijt vers sa soer pur les terres ē fée simple, sinon q̄ el voit mitter en hotchpot les terres done a luy en frankmariage &c.

P ¶ Et Nuper obijt gist de cozody.

Q ¶ Et boucher ne view ne gist en Nuper obijt.

R ¶ Et iaunt & le neece toindera en Nup obijt vs lauter soer ou neece &c.

124. ¶ Breue de Quare eiecit infra terminum.

S BBziefe de Quare eiecit infra terminum gist ou hōe lesse terre a vn auter pur terme des ans, & puis il enter & fait fefſemēt de ceo terre a vn estrange en fée, ou a terme de vie, ozc le lessee auera cest bziefe de Quare eiecit infra terminū vers cestuy feoffée ou lessee a terme de vie.

T ¶ Et en cest bziefe il recouera arrere son terme & ses dāmages auxy, si le terme ne soit finie, & si le terme soit finie, donqz il recouera tout en damages.

U ¶ Et le pces est ē cest bziefe Sum̄, Attachm̄t, & Distr̄ infinite, & nemy pzoces de vtlarie, pur ceo q̄ le bziefe nest vi & armis,

armis, & le forñ de ceſt briefe Quare eiecit, eſt cõe appt apꝛs.

¶ Mes ceſt briefe de Quare eiecit infra terminũ fuit de- A
uile, (cõe eſt dit) p vn diſcreet home appelt Well' Merton, &
pur ceſt cauſe: Car ſi home leſſe ſes tres a terme des ans,
& puis il ouſta ſon leſſee, & apꝛes que il ad luy ouſte, il fait
feffemẽt del tre a vn eſtrange en fee, oꝛe ceſty leſſee ne poit
auer briefe de Eiectione firmæ vs luy q̃ fuit le feffee, p ceo q̃
il ne luy ouſtt, p q̃ en ceſt caſe le leſſee nauera aũt remedy,
mes dent arete en la tre. Et ſi le feffee donq̃ luy ouſte, le
leſſee poit aũ vs luy Eiectione firmæ quare vi et armis pur
le toꝛt fait a luy, & deuant lentre fait p le leſſee, il nauera re-
medy vers le feffee, & pur t̃ p lequitie del ſtat de Weſt. ij. ca.
28. q̃ voit, Qđ quotieſcunque de cætero euenerit in Can-
cell', qđ' in vno caſu reperitur brẽ, et in conſimili caſu ca-
dente ſub eodẽ iure et ſimili indigent remedio, &c concor-
dẽt clerici de cãcellar in breui faciend' &c. Et p reaſon de
ceſt ſtatut fuit ceſt brẽ deuiſe. Mes vnc̃ ſi le leſſoꝛ ouſte
le leſſee, & incontinent fait feffemẽt en fee, iſſint que le feffee
ſoit partie ou pꝛiuie al ouſte le leſſee, donq̃ le leſſe auera
briefe de Eiectione firmæ vi et armis vers le feffee, p ceo q̃ il
eſt pty al ouſte, & al toꝛt a luy fait, & cy enſuiſt le briefe.

¶ Rex vic' &c. ſi A. fecerit &c. tunc ſum̃ &c. B. quod ſit &c. B
oſtenſur quare deforc' præf. A. vnum meſuagium cum pt̃in
in N. quod C. ei dimiſit ad terminũ, qui nondum preterijt,
infra quem terminũ idẽ C. præf. B. meſuagiũ illud vendidit,
occaſione cuius venditionis idem B. pꝛef. A. de meſuagio p̃d
eiecit vt dicitur, Et habeas &c.

¶ Et autiel briefe giſt lou le fits & heire le leſſoꝛ fait feffe- C
ment &c. & le feffee ouſte le leſſee.

¶ Et ſi le leſſee grãt ouſter ſon terme, & puis le leſſoꝛ fait D
feffemẽt del tre a vn eſtranger en fee, oꝛe le ſecond leſſee aũa
ceſt briefe &c. & le briefe ſerra, Quare deforc' præf. B. vnũ me-
ſuag. &c. qđ' R. cui I. illud dimiſit ad terminũ qui nondum
pterijt, eidem B. dimiſit ad eundem terminũ, infra quẽ ter-
miuum idem L. meſuagiũ &c. ¶ Et iſſint ſi iij. leſſe meaſe
a vn A. a terme des ans, que graunt ouſter ſon eſtate a vn
B. & puis ij. des leſſoꝛs deuie, & ceſty que ſui ueſquiſt fait
feffement a vn C. en fee, oꝛe B. aũa Quare eiecit infra ter-
minum vs le dit ſeffee, & le brẽ reherſ. ceſt el pal matter &c.

¶ Mes ſi hõe leſſe tre a terme des ans, & le leſſoꝛ ſuffer E
vn recouerie vers luy ſur feint title, que enter, vncoꝛe il
ſemble que le leſſee auera ceo briefe de Quare eiecit infra
terminum

terminum &c. les parols de briefe sont, Occasione cuiꝰ venditionis, & ẽ nest pperment alcun vendiẽ, mes ceux parolx sont forsqꝫ del forme. ¶ Mes auant le statute H.8. añ 21. cap. 15. il semble que ẽ a terme des ans ne poit fauxeẽ reẽ eswe vers son lessor.

F ¶ Et si home lesse terre a term des ans, & puis deux sãs heire, & le sñr p escheat ent & ouste le termor, sil alia Quare eiecit infra terminum vers le sñr p escheat est doubt, mes il semble reasonable que il auera.

G ¶ Et issint si villein lesse fre a terme des ans, & puis le sñr del villein enter & ouste le termor, la il semble q̃ le lessé auera cest brieue de Quare eiecit infra terminum.

H ¶ Et si home lesse terre a termñ des ans, & puis estrange ouste le lessee, & disseise le lessor, & puis le lessor release a luy, ore il semble q̃ le lessé auera cest brieue de Quare eiecit infra terminum vers le disseisor &c.

I ¶ Et Quare eiecit infra terminum gist cibñ vers le lessor come vers son feoffee, quod vide H.19.H.6.

K ¶ Et il sẽble q̃ le vẽditiõ supp̃ ẽ le brieue nest traũs. mes solemt le exactment &c. Et si sic. dongz sẽble q̃ le bẽ gist vs le sñr p escheat, ou vs le sñr le villein q̃ ouste le termor &c.

¶ Mes Eiectione firmæ gist vers le seignior del villein, sil ouste le termor del less. fait per son villein de terre auant entre fait en la fre per le seignr. Et issint Eiectione firmæ gist vs le sñr per escheat, sil ouste le termor del less. fait per son f &c. Et p ẽ lieur de 19.H.6. il appiert, q̃ il est ẽ exactiõ del less. a suer brieue de Eiectione firmæ, ou brieue de Quare eiecit infra terminũ enuers le less. ou son hẽe, ou vs le sñr per escheat, ou vers le sñr del villein, sils ouste le termñ &c.

122 ¶ Breue de Ex graui quærela.

L BRiefe de Ex graui querela gist ou home est seisi des tenemñts ou terres en alcun citie ou borough, ou en Gauelkind, q̃ux fres sont deuisables p testamt de tẽps dont &c. ore si vn q̃ ad terres ou tents la, deuise ceux fres ou tents a vn en fee simple, ou en taile, cesty a que le deuise est issint fait, aũa cest bẽ de Ex graui querela, dexecuter cest deuise.

M ¶ Et si hõe deuise tiels terres ou tenemñts a vn en taile, le remñ ouster en fee a vn estrange, si cesty q̃ est f en taile enter & est seisi p force del tail, & puis deux sãs issue, ore cẽy ẽ remñ aũa tiel bẽ de Ex graui querela dexecuter cest deuise.

¶ Et iſſint eſt ſi hoine deuiſe tiels tres ou tenemts ẽ fes taile a vn hõe, & puis le teñt ẽ taile deuy ſans iſſue de ſ̃ corps, or iheiũ le donor, ou ceſty q̃ ad le reuerc̃ del tre anera bẽ de Ex graui querela en nature de Formed̃ en reuert, p̃ recontinuer le poſſ. del terre a cẽy q̃ ad le reuerc̃. ¶ Et p̃mes p̃ terres deuiſes en taile en le citie de Lond̃, le forme del briefe p̃ les heires le deuiſe en taile eſt tiel. ¶ Rex Maiori et vic' Lond̃ ſaluté: Ex graui querela I filiæ E. & M. ſororis eiuſdé I. accepim̃us, qd̃ cum ſecundũ conſuet̃ in eadem ciuitate hacten⁹ optentã et ap̃pbatam liceat vnicuiq; Ciui eiuſdem ciuitatis teñta ſua in eadẽ ciuitate in teſtam̃to ſuo in vltima voluntate ſua tanquã catalla ſua legaꝛ̃ cuicunque voluerit, ac S. quondam Ciuis ciuitatis p̃d̃ in teſtam̃to ſuo in vltima volũtate ſua quatuor ſhopas cũ pertiñ in eade ciuitate exiſtent̃, vel quatuor meſuagia, & decem ſhopas cum pertiñ &c. E habend̃ ſibi & hæred̃ de corpore ſuo exeuntibus legaſſet R. et S. vxori eius, duo meſuag. & iij ſhopas inde F. et iij ſhopas inde p̃fat. I & M. filiabus & hær̃ eiuſdem E. de forc' minus iuſte in ipſaꝛ̃ I. & M. diſpend̃ non modicum et grauamen, & contra voluntatem teſtatoris prędict̃, ac contr̃ conſ. prędt̃. Et quia eiſdem I. & M. iniuriaꝛ̃ noluimus in hac parte: Vobis mandamus, qd', vocaꝛ̃ coram vobis partib⁹ p̃d̃ auditiſq; hinc inde earum rationibus, inſpectoq; tenore teſtam̃ti p̃dict̃, eiſdem I. & M. plenam & celerem iuſtic' inde fieri faciaꝛ̃, ꝓut de iure & ſecundum conſuet̃ prædict̃ fuerit faciend̃, & hactenus in caſu conſimili ibm̃ fieri conſueuit, vel eiſdem I. & M. in hac parte fieri faciaꝛ̃ debitum & feſtinum iuſticię complementum, ꝓut &c. Teſte &c.

¶ Et appiert p̃ ceſt briefe, q̃ le Roy eux cõmaund̃ de faiꝛ̃ ſolonqꝫ le cuſtome del city, ou de faire iuſtice al parties, p̃ q̃ ſemble q̃ le Maire ſur ẽ briefe ferra ꝓces de ſum̃ le pty del. q̃ eſt t̃ del tre, de appeꝛ̃ a certein iour &c. de reſpond̃ a ceſty pl' ẽ nature de ſum̃ en Precip̃ qd̃ redd̃. Et quant il vient, le pl' doit mẽe le teſtam̃t & coũt̃ ſur ẽ, & de allcag. ſeiſin del tre en le teſtator, & comt̃ il deuiſe a luy &c. Et q̃ le def. donqꝫ pled̃ a ceſt. Du le Maire ou viꝛ̃ doient ꝓcedr̃ en ycel ſolonqꝫ luſage del city &c.

¶ Et ceſt bꝛ̃ poit eſtr̃ ſue vs ſeũal tenants, & donqꝫ ſemble q̃ le Maire deuer̃ faiꝛ̃ ſeũal p̃cepts vs cheſ̃ tenant &c.

¶ Et ſi la tre ſoit ẽ aut̃ borough, donqꝫ le briefe ſerra tiel. ¶ Rex Balliuis ſuis de magñ Yermouth ſalutem. Ex graui querela &c. *vt ſupra*, qd̃ ſecũdũ conſ. in villa p̃dict̃ hactenus &c.

&c. liceat vnicuiqꝫ burgenſ. eiuſdē villæ tenemta ſua, que ſibi acquiſierit in eadem villa, in teſtamto ſuo in vltima volũtate ſua &c. *vt ſupra*. Ac N. burgenſ. eiuſdem villæ vnum meſuagium cum pertiñ, quod ſibi acquiſierit in eadem villa, in teſtamento ſuo in vltima voluntate W. et heredibus ſuis legaſſet, R. de E. meſ. prædict̃ poſt mortem præd̃ N. ingreſſ. illud præfato W. deforc' minus iuſtè, in ipſius W. &c. *vt ſupra*, et quia nolumus &c. *vt ſupra*.

F ¶ Et ſi home deuiſe terre a ſa feme p̃ t̃me de vie, le rem̃ ouſt̃ a vn auť en fe, & le ť a t̃me de vie entr̃, et eſt ſeiſi p̃ force del deuiſe et deuy, et ceſty en rem̃ ſoit deforce &c. il auera tiel bꝛief, Ex graui querela &c. *vſque ibi* voluerit, ac M. quondam Ciuis eiuſdem ciuitatis D. vxori ſuæ in teſtamto ſuo in vltima voluntate ſua, quatuor ſhopas cum ꝑtiñ in l. quas ſibi acq̃ſierit in eadem ciuitate, ad vitam ipſius D. habend̃ legaſſet, ita quod poſt deceſſ. eiuſd̃ D. præf ſhope cum ꝑtiñ præf. E. & hered' ſuis remanerent, N. quę ſhopas illas tenet ex dimiſſione præd' D. eas præf. E. poſt mortem eiuſdē D. deforc' minus iuſtè, in ipſius E. diſpendium &c.

G ¶ Et ſi hõe doñ tres p̃ ſon teſtam̃t ẽ taile & le rem̃ ouſt̃ en taile a vn auť, et le pꝛim̃ ť en taile entr & deuie ſans iſſue, & le ſecond teſit en taile enť en ſon rem̃ et deuie ſans iſſue, oꝛe le hẽ le donoꝛ aũa bꝛiefe de Ex graui querela en tiel foꝛme. ¶ Ex graui querela &c. *vt ſupra*, ac I P. quondam Ciuis ciuitat̃ præd̃ pat̃ præd̃. S. cuius heres ipſe eſt, vnum meſuag cũ pertiñ in ſuburbijs Lond' M fil' ipſius I. et hered̃ de corporibus ipi⁹ M. legitime procreandis habend̃ legaſſet, Ita quod ſi idem M. ſine hered̃ de corpore ſuo legitime ꝓcr̃ obiret, præd' meſuag. &c. R. fil' p̃d̃ I. et her̃ de corpoꝛ̃ præd' R. legitim̃ procreat̃ remaneret, L. capellañ cantar̃ ad altar̃ Sancti Iohañ in nouo opere in eccl'ie S. Pauli Lond', pro anima Magiſtri W. quond̃ canoñ eiuſd' eccl'ie ordiñ, p̃d̃ meſuag. cum pertiñ poſt mort̃ p̃d̃ M. & R. p̃t. S. ad quẽ idem meſuag. cum pertiñ reuerti debet, eo quod vterque M. & R. obijt ſine her̃ de corpore ſuo legit̃ procreat̃, vt dic', deforc' minus iuſtè, in ipſius S. diſpendium &c.

H ¶ Et il app̃t p̃ le bꝛief ſubſequent, q̃ quãt hõe fait deuiſe des tres en Lond̃, et auꝛy de ſes bienꝫ, & fait execut̃ &c. q̃ adonꝫ pꝛimes les execuťs puer t̃ deuant Loꝛdiñ, & donꝫ aꝑs ils poꝛt t̃ deuant le Maire en Lond̃ &c. & la ſerra enrolle, & donꝫ ſur cẽ enrolm̃t le Maire ſur bꝛief de Ex graui querel' ſue pur les tres ſerra exet̃, & tyel pꝛoꝛ come ſur fine

lenp

leny de terre &c. & le bꝛe eſt tiel. ¶ Rex Maiori & vic' Lond' ſalutem. Cum vt accepimus, ſecund' conſuetudinẽ in eadem ciuitate hactenus optentam & approbatam, teſtamenta in quibus laica tenemta in p̃d' ciuitate legata fuer', fac̃ prius ꝓbatione eorund' teſtam̃torũ coram Ordinar', pro bonis & catallis in eisdẽ legatis, coram vobis in huſtingo nr̃o Lond' approbari & irrotulari debeant ad exec' teñtorũ ſic legatorũ faciend'. Ac iam ex relatu R. conſang. I. de P nuper ciuis Lond' accepimus, quod licet præf. I vnam ſhopam et duo ſolar' cum pertiñ in parochia ſancti Mich. Lond' in eadem ciuitate, in teſtam̃to ſuo in vltim̃ voluntate ſua prefato R. legaſſet, habend' & tenend' ſibi & her' ſuis imperpet', idemq; teſtam̃t prout moris eſt coram Ordinar' probatum exiſtit, tñ E. q̃ que fuit vxor I de P. & A. exec' teſtamenti eiuſdem I. teſtamentum illud penes ſe detinent, non per mittentes illud in huſtingo præd' irrotulari, vt p̃dict' eſt, in exheredac' ipſius R. piculũ manifeſtum, ac contra conſuet' p̃d': Nos nolentes eid' R. iniuriari in hac ꝑte, vobis mandam⁹, qd' vocatis corã vobis præf. execut', & auditis tam p̃d' R. quã p̃dictor̃ executor̃ in hac ꝑte rationibus, vlterius in premiſſ' faciatis, qd' de iure &c. & ſcd'm̃ conſuet' ciuitatis p̃d' fuerit faciend', & hactenus in caſu conſimili ibidem fieri conſueuit.

¶ Et p̃ ceſt bꝛe appiert, q̃ ſi hõe ad terres deuiſe a luy en Lond' p̃ teſtam̃t, q̃ il auera bꝛiefe al Maire de Lond' de cõpeller les executozs de pozter eins ceſt deſtre appꝛoue deuant eux en Lond' & deſtre enroll' en les Huſtinges.

¶ Et ſi home ad terres deuiſes a luy en Oxenfozd', le cuſtome eſt, q̃ le teſtam̃t ſerra pꝛimes pꝛoue deuant Lozdinarie la, & ap̃s il ſerra appꝛoue deuãt le Maire de Oxfozd' &c. Et ſi le Maire ne voit' pꝛouer le teſtam̃t, donq; il a q̃ le deuiſe eſt fait, Et auxy les Executozs que pꝛend' aſcun aduantage ou adminiſtration p̃ ceſt teſtam̃t, auña bꝛe hozs de Chancer̃ direct al Maire & Bailles, eux cõmaund' de pꝛuer l' teſtam̃t, & ſur ceo ils auera Al' & Pluſ' vel Cauſam nobis ſignifices &c. & ap̃s Attachim̃t d's eux, ſi meiſter ſoit, retoznabl' en bank le Roy, ou en common bank.

¶ Et p̃ m̃ le reaſon il auera autiel bꝛiefe d's le Maire de Lond' de ap̃pꝛuer tiel teſtam̃t & d' enroller ceo, & ſur l' Al' & Pluſ' d's le Maire de London, & Attach. ſi meiſter ſoit.

¶ Et p̃ autiel reaſon il ſemble reaſonable, que hõe auera bꝛiefe direct al Ozdinary, luy commaund' de ꝓuer le teſtament daſcun home &c. & le fozme del bꝛiefe eſt tiel.

Rex

¶ Rex Maiori & Balliuis ſuis vill' Oxoñ ſalutem, Querelam T. & M. vxoris eius accepimus continent, quod cum ſecundū conſuet in vill' prædicta vſitat & hactenus approbatam, teſtamenta burgenſiū villæ p̄d ibidē decedentiū, ſup̄ tenentis & poſſionib⁹, ſi ſint ibidē legata, primo coram ordinar & ſecundar coram vobis in cur villę p̄d approbar debeant & conſueuer temporibus retroactis, ac executores teſtamenti N. cum præf. T. & M poſtquā teſtamtū prædict N. coram Ordinarijs villæ p̄dict prout moris eſt, probatum fuit, frequent illud coram vobis iterato probandū detuler, iuxta cōſuet. p̄d occaſione quorundā tenentorum in ſubuurbio eiuſdē villæ, que p̄d N. in vltima voluntate ſua eidem M legauerit, ſicut in teſtamto p̄dict plenius continet: Vos tamen approbationem illam hactenus recipere recuſaſtis, & adhuc recuſatis minus iuſte, p quā nec p̄dict executores, nec præf. T & M. ſup̄ tenement p̄dict, aut alijs tenentis per p̄d N. legatis adminiſtrationem conſequi poſſint, in retardationē executionis teſtament p̄d, & cōtra voluntatē p̄d N. nec non damnū ipſorum T. & M. & execut p̄d non modicū damn & grauamen: Nos igitur executoribus & T. & M iniuriari nolentes in hac parte, vobis p̄cipimus, ſicut alias p̄ceperimus, qd ſi ita eſt, tunc p̄f execut & T. & M. plenam & celer iuſtitiā in hac pte fieri fac', put de iure & ſecūdū conſuet p̄d in caſu cōſimili fuerit faciendū, ita qd querela ad nos inde non perueniat iterata, vel cauſam vobis ſignificetis, quare mandatis &c. Teſte &c.

B ¶ Et il ſemble reaſon q̄ iſſint ſerra fait en cheſcun auter citie, lou terres ſont diuiſables per teſtamēt, & ſont deuiſes en fait p teſtamēt, que les executors & les deuiſées auera tiels actions vers lordinary, et auxy vers les bailies des boroughs pur prouer tiels teſtaments.

¶ Et ē lieu de bře de Formedon en diſcendē ſur tenemts deuiſes eſt tiel bzieue: Ac A. quondam ciuis &c. M. filiæ ſuæ, quoddam meſuag. &c. habend' ſibi & hered' de corpore ſuo exeunt legaſſet, T. meſuagium p̄d ingreſſ. illud poſt mortem p̄d' M. & W. filij & hæred eiuſdem M. p̄fat. I. fratri & hæred' prædict W. deforciauit minus iuſte, in ipſius &c.

¶ Mes il ſemble, quant le taile eſt vn foits execute per force del deuiſe en le tenant en taile, ou en le t a terme de vie, q̄ adōq̄ ceſty en rem, ou ihře le t en taile añs Formed en diſcēdr p cou ſe del cōen ley, vſe puis leſtat de Weſt. 2, & ſolonq̄ le cōmon forme ſur done fait en taile p fait &c.

C ¶ Et eſt auter forme del bzief en le Regiſter en nature de

Forme-

Formed' en diſcend'.

¶Et ſi home ẽ Lond̃ deuiſe t̃re a ſa feñ a t̃m de ſa vie, & puis a ſes execut̃ a vend̃, et de conuert̃ les deniers a lour ꝓper vſe: oꝛe ꝓ le cuſtome de Lõd̃ ceſt teſtam̃t couient eſtre ꝓue deuãt loꝛd̃, et puis deuãt le maire ꝛc. et deſtre enroll'. Si le teſtam̃t ſoit ꝓue deuãt loꝛd̃, et puis lun execut̃ detient le teſtam̃t, & ne voile ꝓñ ẽ deuãt le Maire ꝛc. laut̃ execut̃ aña eſpeĩ bꝛiefe diꝛect al maire et biñ de Lond̃, eux cõmaund̃ de appeller les executoꝛs deuant eux et de veier le teſtam̃t ꝛc. et de faire dñt ſolonq̃ luſage del citie, & ſolõq̃ la ley ꝛc. Quel bꝛief appiert en le Regiſter. A B

¶Et ſi home deuiſe terre a ſa feme pur teñ de ſa vie ſur cond̃ q̃ ſi el marie, q̃ la t̃re reñ a ſon fits en tail', et pur defaut de tiel iſſue le reñ a les dñt heires le donour in fee: oꝛe ſi la feme ꝓiſt baron, les queux occupie la terre, et ceſty en reñ deuy ſans heire de ſon coꝛps, oꝛe le dñt h̃e le donour aña eſpecial bꝛiefe de Ex graui querela diꝛect as Maire et biñ de Lond̃ reherſ. cẽ eſpeĩ deuiſe, et le matʒ cõe il eſt, eux cõmañd̃ de appell' les ꝑties, & de eux oier ꝛc. & de fait̃ dꝛoit ꝛc. Et ꝓ ceo appiert q̃ cẽy en reñ aueĩ aduantage del condition, ſi ẽ ſoit enfreint, mes ceo ſerra per voy de ſuer ceſt action, et nemy dentre ꝓ foꝛce del condition nient ꝓfoꝛme, q̃l bꝛiefe appiert en le Regiſter. C

Donor vpon condicion &c.

124 ¶Briefe dentre ad terminum qui præterijt.

BRiefe dentre ad terminñ qui preterijt giſt en cas ou hõe leſſ. terres ou teñ a terñ de vie ou des ans, et puis le t̃m expire, ceſty a q̃ le leas fuit fait, ou eſtraung. entre en la terre et occupie ceo, et defoꝛẽ le leſſour, le leſſ. ou ſon heire aueĩ ceſt bꝛiefe. Et ceſt bꝛiefe giſt en le Per, Cui, & Poſt: car ſi le leſſee tient ouſter ſon terñ, et puis fait feffement, oꝛe le leſſoꝛ ou ſon heire puit auer cẽ bꝛiefe vers le feffee en le Per: et ſi le feffee fait feff. ouſter, il puit auer bꝛiefe vers le ſeconde feffee en le Per, & Cui, et vers le tierce feoffee en le Poſt: & le foꝛme del bꝛiefe eſt tiel. D

Sole possessor ou Le Roi avoit &c.

¶Rex vic' &c. Prec' A. quod reddat B. vnum gurgitem &c. in quem id' A. non habet ingreſſum niſi ꝓ C. cui ꝑd̃ B. illud dimiſit ad t̃minum qui preterijt &c. Et niſi fecerit &c. Et ꝑd̃ B. fecerit te ſecurum &c. E

¶Et en le Poſt le bꝛief eſt: Et in qd̃ idem A. non habet ingreſſum, niſi poſt dimiſſionem, quam idem B. inde fecit D.

ad terminū qui præterijt, & qđ poſt terminū illud ad præſ. B.reuerti debet vt dic', et vnde querit qđ p̄đ A. ei deforc', &c.et niſi &c.

¶ Et ceux pols,et vnde querit̄,ne ſont mis en aſſ̄ bē dentre en le Per et Cui, mes ſolem̄t en briefe dentre en le Poſt.

¶ Mes ſi hōe voile ſuer briefe dent̄ ad t̄miñ q̄ p̄terijt,ſi poſſeſſ.ſon pere ou mere,ou auter aunc̄, donqz il coulent aū en briefe ceux pols, Quod clamat eſſe ius et hæred ſuā, & le forme del briefe eſt tiel.

¶ Rex vic' &c.Prę' A.qđ &c.redd̄ B. vnum meſ. cū p̄tiñ in N.qđ clamat eſſe ius et hæred ſuā,et in qđ idē A.non habet ingreſſum niſi per D. patrē,vel matrem,vel alium anteceſſ' prædict' B.cuius hæres ipſe eſt,q̄ illud ei dimiſit ad t̄miñ qui p̄terijt vt dicit,et niſi fecerit &c.

¶ Et en le Per et Cui ſic,qđ clam̄ &c.et in qđ &c.niſi per C.cui D. pat̄ vel alius anteceſſor p̄đ B.cuius hæres ipſe eſt, illud dimiſit ad t̄miñ qui præterijt &c. ¶ Et en le Poſt ſic: Niſi poſt dimiſſioñ, quā R.au° pred' B.& C cuius hæred ipſe ſunt &c.*Vel ſic*, Quam C.pater pred' B. et auus predict' S. cuius hæred ipſi ſunt inde fecit H.ad t̄miñ illum q̄ p̄terijt,et qđ poſt t̄miñ illum ad p̄f.&c. reuerti debet,vt dicunt,et vnd̄ querunt̄,qđ p̄đ A.eis deforc',et niſi &c.

F ¶ Et in chelſ̄ bē denc̄ lou hōe dō del poſſ.launc̄,il coulent aū ceux pols en le briefe, Qđ clamat eſſe ius et hæred ſuā &c.mes de ſon poſſ. demeſn̄ il naūa ceux pols en le bē, mes ſolem̄t in Cui in vita poꝛt p̄ feme de ſa inheritance alien p̄ ſon baron,el aūa en ſ̄ briefe de Cui in vita ceux pols, qđ clamat eſſe ius et hæred &c. mes ceo eſt ou la fē̄ claiñ fee ſimple p̄ le briefe : car ſi ei claiñ fee taile ou frankc̄ per ſ̄ briefe de Cui in vita, donqz le briefe de Cui in vita ferē eſpē mention de ē eſtate &c.

G ¶ Et ſi hōe leſſ.maſi a t̄m de vie ou des anz,a q̄ aduenſ. eſt appēd̄,& puis le leſſee fait feffem̄t del maſi in fee,& reſt eſtate del maſi ſauant laduenſ. a luy a terme de vie : oꝛe ſi le leſſoꝛ poꝛt briefe dentre ad terminum qui p̄terijt del maſi vers le leſſee,& nemy fait foꝛſp̄s del aduenſ. ē briefe abatera p̄ non tenure del aduenſ.ſur le matter mē̄e,come appiert̄ p̄ le Regiſter.

H ¶ Launt & le neece ioind̄ en cē̄ briefe de ad terminum q̄ p̄terijt &c come appiert p̄ le briefe auant eſcrie &c.

I ¶ Et ſi hōe fait feffem̄t en fee ſur condition, que ſil pay certain deniers a certain iour al feffee ou a ſes heires, que

ſedonque

adonqꝫ il reaũa la tre,ꝑ q̃ il puit reent ꝛc.oze sil pay les deniers al iour ꝛc.ꝑ puis le lessee ne voile luy suffer dent ꝛc. oze le lessoz aũa cest bziek de Ad t̃miñ q̃ ꝓterijt,pur ceo que quant luy pay les deniers, il naũa q̃ terñ en effect. Et sil naũa cest bziek,il ne puit aũ aut̃ remedy foziqꝫ dentre ꝛc. ꝑ sur ceo dauer ass.

¶ Et M.5,E.3.fuit ag.q̃ le pl.reconeñ en tiel actiõ sur tiel matter plede ꝑ monstre, mes ceo ne veiñ com̃t ceo puit estẽ maintaine p reason, pur ceo q̃ fee simple nest ꝓpemñt dit ascũ terñ,car donqꝫ le sñr p eschete aũa bziek Ad t̃miñ qui preterijt,si son tenant deuy sans heire, lou il ne puit aũ bziek descheit. Et in t̃miñ q̃ preterijt le leas alt̃ en le coũt est trauersable ꝛc.

¶ Et si le baron ꝑ femñ iess. tres la feme a t̃me des ans, et le baron mozust,et le t̃moz tient ouster son terñ,la feme aũa cest bziek Ad t̃miñ q̃ ꝓterijt,si el voile ꝛc. mes el coueñt counk, q̃ el ꝑ son baron lesse la terre ꝛc. M

¶ Il appiert añ 8.E.2.Itiñ Canc' que le grank del reũ aũa bziek de Ad t̃miñ q̃ ꝓterijt vs le lessee, ou son heire, ou son assignñ,et vnñ tiel bziele nest en le Regist̃. B

124 ¶ Btiefe de Dum non fuit compos mentis.

BRiefe de Dũ non fuit compos mentis gist en cas ou hõe q̃ est de non sane memozy alien les tres ou tenits en fee simple,ou en fee taile, ou a terme de vie, ou des ans,sil apꝛs soit defozce p son alienñ ou lessee, donqꝫ il ñ aũa cest bziefe vs son alienñ ou lessee,nient obstant son alienation demñ, ou son leale demeine.Et ceo appiert bien p les bñs en le Regist̃, q̃ux sont de tiel fozme.

¶ Rex vic' &c Prec' A.qd' reddat B.vnũ mes.et xx.acr̃ tre cum ꝓtiñ,q̃ id' B.ei dimisit, dũ fuit cõpos mentis suæ,vt dicit,et nisi fecerit &c. *Vel sic*: In qd' idem A.non habet ingressum nisi per C.cui p̃d' B.illud dimisit, dum non fuit cõpos m̃entis &c.*Vel sic*: en le post, In quod idem A. non habet ingress.nisi post dimissionem, quã p̃dict̃ B.dum non fuit cõpos mentis suæ inde fecit D.et vnde queritur &c.

¶ Et ascuns ont dit,q̃ ceste bziele ne gist pur meine cẽp que alien, pur ceo q̃ il ne disablet̃ son persõ demeine, ne contradire son fait demeine, mes ceo semble destre vn petit reason, car cest vn infirmitie, que vient per lact de dieu, ꝑ il estoit one reason, qa home deuer Monstre co- D

ment il fuit visit p lact de dieu de infirmitie, p q̄ il faut son memorie et discretion pur le tēps. C Cōe si enf. deins leage de xxj. ans fait feffemēt en fee, ou lesa. t̄me des ans, il m̄ auoid cē feffemēt ou leas, cibñ deins age come al plein age, comēt q̄ il naña le dē de Dū fuit infra etatem deins age, pur t̄ q̄ le bziefe luy supp̄ de plein age: mes enf. dage de xiiij. ans ad discretiō adiudge ē luy a cē age, Et sil fait felony a tiel age, il serra pend̄ pur ceo, e vncore son feffemēt ou leas ou graunt fait p luy, ne luy liera auant lage de xxj ans, pur t̄ q̄ il nad perfect discretiō e conuf q̄ il deuēt faire, ou que soit a son p̄fit ou a son damage auāt tiel age, e p̄ t̄ il alleg, q̄ il fuit deins age al temps de s̄ feffemēt, graunt, ou leas p luy fait, p q̄ appiert, q̄ il alleg. q̄ il nauer donques perfect discretion a cest temps: Car cē nonage est infirmitie de nature, et vient p lacte de deu, e a fortiori donqz cesty que nest de sane memorie alleg. et pled̄ q̄ il ne fuit de sane memorie al temps de son feffemēt ou grauut ꝛc. car cesty q̄ est de non sane memoē, nad alcun maner de discretion: car si il occist hom̄, ceo ne serē felony ne murder, ne forfeitr' riens, ne terres ne biens ne chateux pur cest: per q̄ appiert q̄ il nad alcun discretion, car si il aña discretion, il serra pend p cest come enfant de age de xiiij. ans, q̄ fait murder ou felonie serra pend pur cest.

C Et en le liuer de Britton appiert, en debt sur obl. le def. dit que il fuit de non sane memorie al temps de scalans del dyt fait, e la tenus q̄ il aña cest plee.

C Et si ideot rel' son dzoit p fait ꝛc. vnē si troue soit apzes p office q̄ il est ideot, le roy seiser' ceo terre, et cē rel' ne liera ꝛc. quod vide en title de Scire facias P. 32. E. 3. en les Abzidgmēts.

C Mes en lieur del Ass. anno 35. Ed. 3. le tenant en ass. plede rel' le pl', et le pl' dit, que il ne fuit donques de sane memorie ꝛc. Et la lopiñ de ij. Justices que fuit, il nauera cest plee, mes ieo ne regard̄ mult lour opinion, pur le reason auantdit.

C Et appiert anno 7. H. 4. 33. que feffement p ideot fait p letter dattozney est void. Et issint semble de home de nō sane memorie.

C Et si home de non sane memorie alien en fee son terre et deuy, ozs son heire auera tiel bziefe, ou poit entrer come son auncestoz puit entre, cibñ come enfant deins age auera alien ꝛc.

C Et

¶ Et añ 25.E.3.li.Ass. home de non sane memory fist fes-
fem̃t, et repryst estate a luy a t̃me de vie. Et la fuit agree
& admit, q̃ ceo fuit vn remitt̃, et pur ceo issu fuit pris que il
fuit de bon memory &c. et ceo fuit trone per verdict &c. qđ
vide en title de Fessem̃t ẽ les Abridgem̃ts.

¶ Et le brefe p̃ heire sur alienation son aunt̃ fert̃ de tiel B
forme. Rex vic' &c. Prec' A. quod &c. reddat B. xx. act̃ t̃r cũ
pertiñ in N. quas claim̃ esse ius et hereditatem suam, & in
quas idem A. non habet ingressum nisi per C. vel alium ante-
cess. p̃đ B. cuius heres ipse est, qui illas ei dimisit, dum idẽ
C. non fuit compos mentis sue, vt dic' &c.

¶ Et sic en le Per et Cui: Quas clamat &c. & in quas &c.
nisi per C. cui D. auus p̃đ B. vel alius anteces. p̃dict̃ B. cuius
heres ipse est, illas dimisit, dum idem D. non fuit compos
mentis suæ. *Vel sic* en le Post, Quas clam̃ &c. Et in quas &c.
nisi post dimissionem, quam C. proauus, vel alius anteces-
sor prædict' B. cuius heres ipse est, dum idem C. &c. inde fe-
cit H. vt dicit, et vnde querit̃ &c.

¶ Et añ 14. regis fuit tiel bẽ grãt. Prec' R. qđ &c. reddat C
B vnũ reddit̃ trium panũ, septem lagenarum ceruisiæ, et sep-
tem ferculorum per septim̃ cũ p̃tiñ in C. et quem idem B. ei
dimisit, dum non fuit compos mentis sue, vt dic', et nisi &c.

¶ Et le pror̃ est sum̃, graund Cape, & petit cape, come en D
auter Precipe quod reddat.

125 ¶ Briefe Dentrusion.

BRiefe Dentrusion gist en cas ou ten̄ a t̃me de vie, ou en E
dower ou p le curtesie deuy seisie de tiel estate a terme de
vie, et puis lour mort estrãge entrude en la terre, ore cesty
en reuers. aũa cest brefe vers lentrud̃, & le bẽ serra tiel.

¶ Rex vic' &c. Prec' A. qđ iuste &c. reddat B. vnam carucatã F
terræ cum pertiñ in N. quam clamat esse ius et hereditatem
suam, et in quam idem A. non habet ingressum nisi p̃ intru-
sion̄ quam in illam fecit post mort̃ C. q̃ fuit vxor D. q̃ illam
tenuit in dotem de dono p̃đ D. quondam viri sui patris vel
fratris p̃đ B. cuius heres ipse est, vt dicit, et nisi &c.

¶ Et en le Per sic: Et in qđ idem A. non habet ingressum
nisi p̃ C. qui illud ei dimisit post mortem D. quæ fuit vxor E.
q̃ illud tenuit in dotem de dono p̃đ E. quondam viri sui.

¶ Et en le Per et Cui sic: Et in qđ idem A. non habet in-
gressum nisi per C. cui D. illud dimisit, qui se in illud intusit
post mortem &c.

¶ Et en le Poſt le bꝛ eſt, In qđ idē A. non habet ingreſs; niſi poſt intruſ. quā C. in illud fecit poſt mortē D. q̄ fuit vx. E. quæ illud tenuit in dotē de dono prædē E. quondā viri ſui fratris prędē B. cuius hæres ipſe eſt, & qđ poſt mort̄ p̄đ D. ad p̄f. B. reuerti debeat vt dicit, & vnde q̄ritur &c. & niſi &c.

¶ Et iſſint ceſt parol, & vnde queritur, **ſuit mis en cheſe bꝛiefe dentrie en le** Poſt.

G ¶ **Et ſi fē recouꝛ dower vs ceſty en reuerſion, ou vers ſon heire, & puis el deuy ſeiſie de ceo eſtate, et eſtrangꝛ entruſ en le fee, donqꝫ ceſty en le reuerſion aūa bꝛe dentruſ. et en ſ bꝛiefe il ferra menē de ceo reē ſic:** In qđ idē A. non habet ingreſſum niſi per intruſionem quam in illud fecit poſt mortem C. quæ fuit vxor D. q̄ illud in curia noſtra coram Iuſtic' noſtris apud W. per breue noſtrum per conſiderationem eiuſdem curiæ recuperauit, vt dotem ſuam q̄ eam contingebat de libero tenemēto, qđ fuit p̄đ D. quōđ viri ſui in eađ vill' verſus p̄đ B. *Vel ſic.* verſus W. patrem vel alium anteceſſorem p̄đ B. cuius hęres ipſe eſt, vt dicit, & niſi &c.

¶ **Et iſſint el auera bꝛief dauter foꝛme ieu el recouer ſa dower vers iheire ſon baron, & puis iheire grant le reuerſion al dit W. & puis le tenant en Dower deuy ſeiſie, & eſtrangꝛ abaſ, oꝛe le dit W. auera bꝛiefe dentruſ. vers leſtrangꝛ, & le bꝛiefe reherſ. tout ceſt eſpeciall matter, le quel bꝛiefe appiert en le** Regiſter.

H ¶ **Et iaūt et le neece ioindꝛ en bꝛiefe dentruſ. Et ſi ihē aſſignꝛ dower a ſa mere, & puis fiſt felony, per q̄ le ſñr claim ceſt reuerſion, & graunt ē en fee a vn, a que le tenſt attoꝛn, & puis le grauntee del reuerſion ad iſſue deux files, & deuy, & iun ad iſſue & deuy, et oꝛe le tenaunt en dower deuy, et eſtrangꝛ entruſ, oꝛe le aunt & le neece ioindꝛ ē ceſt bꝛief &c. & le bꝛief ſerra.**

in ingreſſion

¶ Rex vic' &c. Præc' A quod iuſte &c. reddat B. & M. ſorori eius, & C. & F. fratri eius vnum meſuagꝫ &c. In qđ idē A. non habet ingreſſ. niſi poſt intruſionem quam H. in illud fecit poſt mortem I. quæ fuit vxor W. quæ illud tenuit in dotem de &c. quondam viri ſui de N. patre prædict̄ B. & M. et auo prædict̄ C. & F. cuius hæred ipſe ſunt, ex aſſignꝫ T. capitalis dñi feodi illius de quo prædē I. illud tenuit in dotē ratione felonie per W. de S. filium & hæred prędē W. facte, vt dicitur. Et quod poſt mortem p̄đ I. ad p̄f. B. M. C. & F. reuerti debet per formam aſſignꝫ prædē, vt dicunt, & vnde querentur &c.

¶ Et

¶ Et si hõe intrud apres la mort le t̃p le curtesie, le bē Dentrus. serra tiel. Præcipe A. qđ &c. redđ B. &c. qđ clam̃ &c. et in qđ idē A non habet ingressū, nisi p̄ intrus. quā in illud fecit post mortem D. q̄ illud tenuit per legem Angliæ post mortem C. quondā vxoris suæ, matris vel amitæ p̄đ B. cuius hæres &c. vt dicit. A

¶ Et en le Per illm, Nisi per C. q̄ illud ei dimisit, q̄ se in illud intrusit &c. *vt sup.* ¶ Et en le Per ꝑ Cui sic, Nisi per C. cui D. illud dimisit, qui se in illud intrusit &c.

¶ Et en le Post sic, Nisi post intrus. quā W. in illud fecit post mortem C. q̄ illud tenuit p̄ legem Angl' post mortem D. quondā vxoris suæ, matris p̄đ B. cuius hæres &c. Et qđ post mortem præđ C. ad præf. B. reuerti debet vt dicit, et vnde queritur &c. et nisi &c.

¶ Et si hõe intrude aps la mort le tenant a t̃me de vie, donq̄s cesty en reuersion a q̄a tiel brief Dentrus. 25

¶ Rex vic' &c. Præcipe A. quod iuste &c. reddat B. &c. in qđ idem A. non hēt ingressum, nisi per intrusionē quā in illud fecit post mortem C. cui p̄đ B. vel cui D. pater, vel alius anteces. p̄đ B. cuius hęres ipse est, illud dimisit ad vitam ipsius C. vt dicit, et nisi &c.

¶ Et en le Per sic, In quod idem A. &c nisi p̄ C. q̄ illud ei dimisit, qui in se illud intrus. post mortem W. cui prædict B. vel R. pater, vel alius anteces. præđ B. cuius hæres &c. illud dimisit ad vitam ipsius W. &c.

¶ Et en le Per ꝑ Cui sic, in qđ &c. nisi per C. cui D. illud dimisit, q̄ se in illud intrusit &c.

¶ Et en le Post sic, Nisi post intrus. quam D. in illud fecit post mortem I. cui B. vel alius anteces. præđ B. cuius hæres &c. illud dimisit ad vitam ip̄us I. Et quod post mortem ip̄us I. ad p̄f. B. reuerti debet, vt dicit, et vnde queritur.

¶ Et sont en le Regist̃ autres formes des briefs, lou le reuerē dei tenant a terme de vie est grant per fine, ou auterment, q̄ serra ex assignatione.

¶ Et lheire en taile naūa brē Dentrus. si home entrude apres le mort le t̃ en dower, ou per le curtesie, ou apres t̃ mort le tenant a terme de vie, cestuy que ad le reuersion en taile nauera briefe de Entrusion, mes serra mis a son briefe de Formedon: car cest briefe gist p̄ cesty que auera le reuersion en fee simple, ou a terme de vie, et nemy par cestuy que auera le reuersion a terme des ans, ou en taile: Car ne gist sinon pur cestuy que auera le franktenement

apres la mort le tenant a terme de vie ou dower &c. Et cestuy en rem̃ auera briefe dentrus. si home intrud apres le mort le tenant a term̃ de vie. Et issint assignez de assigñ de cest rem̃ auera tiel briefe.

E ¶Et si terre soyt doñ a ij. & a les heires lun, & cestuy que ad le fee deuy, & puis le d̃ a terme de vie mozust: oze iheire cesty en rem̃ auera tiel briefe. In quod &c. nisi per intrus. quam in illud fecit post mortem C. q̃ fuit vxor D. q̃ illud tenuit ad vitam suam ex dimis. quam R. inde fecit eidem C. & præf. D. quondam viro suo, & hæred̃ ipsius D. patris præd̃ B. cuius hæres &c. vt dicit, & nisi &c. Et le pzoꝛ̃ est en cest briefe sum, Grand̃ cape, & Petit cape.

126 ¶ Breue de Cui ante diuorcium.

F BRiefe de Cui ante diuorcium gist en cas ou le bar̃ alien la tre la feme q̃ el ad en fee simple, ou fee taile, ou a tme de vie, a vn estrange en fee simple, ou fee taile, ou a terme de vie, & puis le baron & feme sont diuozs. oze la feme a͠ a cest briefe vers le alienee, & le briefe serra de autiel fozme en effect come le briefe de Cui in vita, & le fozm̃ del briefe est tiel.

G ¶Rex vic' &c. Prec' A. qd̃ iuste &c. redd̃ B. q̃ fuit vxor D. vnum mes. cum pertin̄ in N. quod clamat esse ius & hæreditatem suam, & in quod &c. nisi per prædict̃ D. quondam virum ipsius B. q̃ illud ei dimisit, cui ipsa ante diuorcium inter eos celebr̃ contradicere non potuit.

H ¶Et cest brief gist en le Per, cui, & post, come lauter briefe de Cui in vita.

I ¶Et si le baron alien a vn abbe ẽ fee, & puis le baron deup, & labbe deup: oze la feme a͠ briefe de Cui ante diuorc' ẽ le post vs le succes. labbe. Et le briefe serra de tiel fozme. In qd̃ idem abbas non habet ingressum nisi post dimiss. quam p̃dict̃ D. quondã vir ipsius B. cui ipsa ante diuorc' contrad' non potuit inde fecit L. quondã abbat̃ de B. vt dicit, & vnde queritur &c. & ne dirra en ẽ briefe, Predecessori pr̃d' abbatis, nec in aliquo casu, vbi religiosus est tenens: & iheire auera Sur Cui ante diuorc', lou la feme deuy auant laction sue sybin come il a͠ Sur Cui in vita: mes de estate taile iheire na͠a Sur Cui ante diuorc', mes serra mis a ꝑ fozmdon en descender &c. Et launt & la neece toyndr̃ en cest br̃, come ils serra en Sur Cui in vita &c. Et le pzoꝛ̃ est sum̃ graund cape & petit cape.

¶ Brieve

Briefe de Cauſa matrimonij p̄locuti giſt, en cas ou feme doñ terres a vn home en fee ſimple, al entent que il luy mariera, & puis il ne voit marier a couenable tẽps quant il eſt requis per la feme, donq̄ la feme auera ceſt briefe, & le forme del briefe eſt tiel.

¶ Rex vic' &c. Præcipe A qd' iuſte &c. redd' B. vnum meſ. &c. qđ eadẽ B. ei dimiſit cauſa matrimonij inter eos p̄locuti, quo eã duxiſſe debuit in vxorem, & nondũ duxit, vt dic' &c.

¶ Et en le Per, & Cui ſic: In qđ &c. niſi per C. cui p̄dict̃ B. illud dimiſit cauſa matrimonij &c. & non duxit, vt dicit, Et vnde queritur &c.

¶ Et ſemble q̄ ceſt briefe giſt pur la feme, lou el doñ fre a vn home pur terme de ſa vie p̄ ceſt entent de luy marier, tibñ come el auera done ceo en fee ſimple: Mes ſi el doñ ceo al home en taile de luy marier &c. com̃t q̄ il ne voile luy marier, il ſemble q̄ el naña ceſt briefe vs luy per ceſt meane de auoider & defeter le taile, car ceo ſerra contrarie al ſtatut de Donis condic': Et home per done ſur condition en ley ne antentera le ſtatut, car le ſtat̃ fait vn ley certein per expreſſe parols de done en taile: & donq̄ neſt reaſonable que ceo ſerra auoide per vn entendm̃t, ou choſe auerrable q̄ neſt expreſſe q̄ ſerra p̄zis contr̃ al ſtatut.

¶ Et iheire auera r̃ briefe tibñ come la feme meſme, & le briefe ſerra, Præcipe A. &c. qd' redd' B. &c. quod clamat &c. & in qd' non habet ingreſſum niſi per C. matrem prædict̃ B. cuius hæres ipſe eſt, quæ illud ei dimiſit cauſa matrimonij &c. et nondum duxit &c et niſi &c.

¶ Et poit eſtre fait en le Per, Cui, ou Poſt, come le cas giſt.

¶ Et auxy le Aunt & le neece poiẽt ioindr̃ en ceſt briefe &c.

¶ Si home done terre al feme al entent de luy eſpouſ. &c. coment que la feme ne voit luy eſpouſ. &c. il nauera Cauſa matrimonij p̄locuti en ceo cas: Et com̃t que la feme luy eſpouſe apres, vncore le feme tenera les terres a luy & a ſes heires &c. Et ſi le baron alien ceux apres, el auera Cui in vita de ceux.

¶ Et ſi feme enfeoffe eſtrange per fait en fee del terre, al entent denfeoffer luy, & vn que ſerra ſa baron, ore ſi apres les eſpouſels ne prent effect, el auera ceſt briefe de Cauſa matrimonij prælocuti vers leſtrange, nient obſtant que le fait de feoffem̃t ſoit ſimple. Quod vide en title de Aſſ. añ 34. E. 3. Lib. Aſſ.

¶ In

H ¶ Un fee enfeoffe vn home sur condic q il prendra luy al feme, & il auer fee al tẽps del feoffemẽt, & puis p le non performance del condic la feme enter arere en le tre sur le ij. feoffee, & la entre fuit adiudge congeable, & le condic bone, añ 40. E. 3. Lib. Ass.

I ¶ Et le baron et fee poient suer cest brief de Causa matrimonij ꝓlocuti vers lauter q luy doit añ espouse &c.

K ¶ Et si fee fait feoffemẽt en fee p fait, reseruant rent, donques el naña cest brief de Causa matrimonij ꝓlocuti pur le rent reserue, pur ceo q il prone q ceo reseruaẽ fuit la cause del feoffẽt: Mes si el ad fait a mẽe & prouer, q le feoffement fait al entent q il luy marier &c. donqs el maintẽ son acõ bñ, nient obstant cest reseruation fait del rent.

L ¶ Et fee poit suer Causa matrimonij ꝓlocuti sans añ escript mẽe, a prouer ceo, lou el fait feoffement sans añ fait al home en fee, al entent de luy marier &c.

M ¶ Et le proces est Sum, grand Cape, & petit Cape.

128 ¶ Breue Dentre in casu prouiso.

N BRiefe Dentre in casu ꝓuiso est done p statut de Glouc cap. 7. Et cest brief gist ou tenit en dower alien en fee, ou a terme de vie, ou en taile, la tre q el tient en dower: ore cest q ad le reuersion en fee, ou en taile, ou a terme de vie, maintenãa cest brief vers lalienee, ou cesty q est t del frankt del tre, & ceo durant la vie le tenant en dower &c.

O ¶ Et le brief poit estre fait en le Per, Cui, & Post, & le bñ serra tiel. ¶ Rex vic' &c. Præc' A. &c. qd redd B. &c. quod claim &c. & in qd A. &c. nisi per C. quæ fuit vx' D. qui illud ei dimisit, qui illud tenuit in dotẽ de dono ꝓd D. quondam viri sui, pris vel alterius anteceſſoris ꝓd B. cuius hæres &c. & qd post dimiſſ per ipsum C. ꝓt. A. conẽ formã statũ Glouc' de communi cõsilio regni nri inde ꝓuisi, factũ in feod ad ꝓf. B. reuerti debet per formã eiusdem statuti, vt dicit, et nisi &c.

¶ Et en le Per sic: In quod idẽ A. non hẽt ingressum nisi per C. cui D. quæ fuit vxor E. illud dimisit, qui illud tenuit in dotẽ, et quod post dimiſſ. &c.

¶ Et en le Post sic: Præc' A qd &c. redd B. &c. qd clam &c. et in quod &c. nisi post dimissionem quam C. quæ fuit vxor D. qui illud tenuit in dotem de dono predicẽ D. quond viri sui, patris predicẽ B. cuius hæres ipse est, inde fecit F. et quod post dimissiõ p ipsam C. &c. *vsque ibi*, reuertere debet

per

per form̃ eiusdem statuti, vt dic', & vnde queritur, & nisi &c.

¶ Et si feme recouer sa dower vs̃ iheire, & puis fait alienation en fee, ore ihē a vn̄a briefe de casu puiso, & en le briefe il serra mention de ces recouery, cõe il serra en briefe Dentre ad communem legem, per lalienation fait per tenant en dower &c. Et cont̃ q̃ la feme alien en taile, ou a term de vie, vnt̄ le briefe est touts dits de vn forme. B

¶ Et si home graunt le reuersion a vn aut̄ des terres q̃ sont tenus en dower de son heritage, & le tenant attorn̄, et puis le tenant en dower alien en fee, donqs le grant̄ del reuert̄ a vn̄a tiel briefe de assignatione &c. ¶ Præc' A. quod &c. redd̄ B. &c. et in quod &c. nisi per C. q̃ fuit vxor D. qui illud de p̄d̄ D. tenuit in dotem de dono p̄d̄ D. quondam viri sui ex assignatione, quam W. filius & hæres præd̄ D. inde fecit præf. B. et quod post dimission &c. B

¶ Et si iheire grant le reuersion en fee, & le t̄ attorn̄, et puis le grantee graunt ceo ouster, et le ten̄t attorn̄, & puis le second grauntee graunt ceo ouster en fee a vn aut̄, et le tenant en dower attorn̄ &c. & puis le t̄ en dower alien en fee, ore le iij. grantee del reuert̄ a vn̄a tiel br̄e de casu puiso. ¶ Rex vic' &c. Præcipe A. quod &c. redd̄ B. &c. quod clam̃ &c. & in quod &c. nisi per, vel post dimiss. &c. (cõe le case ē) quam C. q̃ fuit vxor D. quæ illud tenuit in dotem de dono p̄d̄ D. quondam viri sui de præf. B. ex assignatione E. de quo præf. C. illud tenuit in dotem ex assignatione F. de quo ead̄ C. illud tenuit in dotem ex assinatione quā G. filio & hæres præd̄ D. inde fecit præfat' F. inde fecit W. Et quod post dimiss. per ipsam C. præfat̄ A. &c. si le briefe soit en le Per. B

¶ Et si le brief soit en le Post, donqs le br̄e serra. Et quod post dimission per ipsā C. &c. reuerti debet per formam &c. C

¶ Et launt et le neece poient ioindr̄e en cest br̄, lou le t̄ en dower alien fee, & ils ont le reuersion per discent de lour aunt̄. Et le ꝑces est Sum̃, grand Cape, & petit Cape. D

E

129 ¶ Briefe de Entre in consimili casu.

ET est auter briefe de autiel nature, que est appel briefe de Entre in consimili casu. Et cest brief gist en case ou tenant per le curtesie, ou tenant a terme de vie, ou dauter vie, alien en fee, ou en taile, ou a terme de vie, ore cesty en le reuersion que ad estate a terme de vie de ceo, ou en fee simple, ou en taile, aura cest briefe durant la vie le tenant

tenant a terme de vie q̄ alien &c. Et ceſt briefe neſt done p le ſtat de Glouc', que done le briefe de caſu ſuiſo: Mes eſt forme & graunt ſur leſtatut de Weſtm̄ ij.cap.24. que voit, Quotieſcunque euenerit in Cancel', qđ in vno caſu repetit breue, et in conſimili caſu cadent̄ ſimili indigent̄ remedio, concordent clerici de cancellaria de br̄i faciend̄ &c. & ceo appiert H.3 E.2.

G ¶Et ſi le tenant p le curtiſy alien, ceſty en reuerſion aũa tiel briefe ¶Pręcipe A.qđ &c redđ B.vnum meſuagium &c. qd' clam̄ &c. et in qd' &c.niſi per C. qui illud ei dimiſit, qui illud tenuit per legem Angl' poſt mortem E.quondā vxoris ſuæ, matris, proauę, vel auæ p̄đ B.cuius hæres ipſe eſt, Et qđ poſt dimiſſion̄ per ipſum C.p̄f A.inde fact̄ in feodo ad præfat̄ B.reuerti debet per formam ſtatuti in conſimili caſu p̄uiſi, vt dic', et niſi &c. ¶Et en le Per & Cui ſic: Et in qđ &c. niſi per C.cui D illud dimiſit, qui illud tenuit per legem Angliæ. ¶Et en le Poſt ſic: Et in quod &c.niſi poſt dimiſſionem quam C. qui illud tenuit per legem Angliæ &c. vt ſupra, cuius &c.inde fecit F.et qđ poſt dimiſſion̄ &c.

¶Et ſi tenant a terme de vie alien, donq̄ ceſty en reuerſion auera tiel forme del briefe. ¶Rex vic' &c. Pręcipe A.qđ iuſte &c.reddat B.vnum meſuagium &c in quod idē A.non habet ingreſſum niſi per C.cui p̄đ B.illud dimiſit ad vitā ipſius C.et qd' poſt dimiſſionem p ipſum C.p̄f.A. inde fact̄, in feodo, ad p̄f.B. reuerti debeat p formam ſtatuti &c. *vt ſupra.*

¶Et nota q̄ p ceſt briefe il appiert, que le briefe ſupp̄ que le tenant a terme de vie alien en fee, com̄t q̄ il ne graunt q̄ que a terme dauť vie, ou en taile, vncore le briefe ſupp̄ que il alien en fee &c. Mes ceo neſt material, ſoit il en fee ou en taile, ou a terme de vie, il eſt forfaiture de ſon eſtate.

¶Et iſſint le briefe de caſu ſuiſo, & le br̄e ad communem legem &c. ſupp̄ le alienation en fee fait per le tenant, com̄t que il ne ſoit que a terme de vie, ou en taile, car neſt auter forme, & puit eſtre fait en le Per, Cui, & Poſt, & ceo ſans title fait en le briefe, pur ceo que il eſt de leſſ. fait per le demandant meſme al tenant que alien. Mes ſi le pere ou auter aunceſtr̄ leſſe a terme de vie, & puis morust, & puis le tenāt a terme de vie alien en fee &c. ore lhr̄e que eſt en le reuerſion auera briefe que compprent title en lup meſme, & le briefe ſerra tiel.

¶Rex vic' &c. Præcipe A. &c. qđ &c. redđ B. vnum meſuagium &c qđ clamat &c. Et in qđ &c.niſi per C. et D. vxor̄ ci[illegible]s,

eius, quibus I. pater, vel mater, vel alius anteceſſ. prædict̃ B. cuius hæres ipſe eſt, illud dimiſit, ad vitam ipſorum C. et D. et quod poſt dimiſſionem &c. *vt ſupra*. **Et la le briefe ſup̃ q̃ la fem̃ dimiſſ. &c. & vncore el aũa** Cui in vita a̅ps la mort **ſon baron de recou̅ ceo frank̃, nient obſtant ceſt alienation fait p̃ ſon baron. Et ſi ł a term̃ de vie graũt ſon eſtate a vn auter, & le graunt̃ee alien en fee &c donq̃ le briefe ſerra,** In qd̃ idem A. &c. niſi per C. cui D. qui illud tenuit ad vitam ſuam ex dimiſſione prædict̃ B. illud dimiſit ad eundem terminum, & quod poſt dimiſſ. &c.

¶ Et ſi h̃o leſſe ł̃re a terme de vie, & puis morust, & ſon h̃e graũt le reuerſion a vn W. & le ł attorn̄, & puis le leſſee a ł̃me de vie graunt ſon eſtate oustre a vn q̃ alien en fee al A. ore W. aũa tiel briefe. ¶ Præcipe A. qd̃ &c. redd' B. &c. in qd' &c niſi per C. qui illud ei dimiſit, qui illud tenuit ad vitã D. de p̃f. B. ex aſſignac', quam I. filius et hæres R. qui quidẽ R. illud p̃f. D. dimiſit ad eundem t̃minum, inde fecit præfat. B. & qd̃ poſt dimiſſ. &c. **A**

¶ Si J. leſſee leſſa al R. a term̃ de vie, & puis J. graunt le reuerſion al W. in fee, & R. attorn̄, et puis R. alien en fee, ore E. auera ceſt briefe.

Rex vic' &c. Præcipe A qd' &c. redd̃ B. &c. in qd' &c. niſi p̃ R. qui illud ei dimiſit, q̃ illud tenuit ad vitam ſuam de præf. B. ex aſſignatione quam I. q̃ illud p̃f. R. dimiſit ad eundẽ terminum, inde fecit præfato A. et qd' poſt dimiſſ. &c. **W**

¶ Et ſi terre ſoit done a ij. & as heires lun, & ceſty que ad le fee deuie, & puis le tenant a terme de vie alien en fee ore lheire ceſty en rem̃ auera ceſt briefe. In qd̃ &c. niſi per C. q̃ illud ei dimiſit, q̃ illud tenuit ad vitam ſuam ex dimiſſione, quam H. inde fecit eidem C. et D. et hæred̃ ipſius D. patris p̃d̃ B. cuius hęres ipſe eſt, et quod poſt dimiſsion̄ &c.

¶ Et p ł appiert, q̃ ceſty en ł rem̃ aũa briefe de conſimili caſu, ſi le ł a terme de vie alien en fee &c.

¶ Et ſi Abbe ou Prior leſſe terre a terme de vie, & il alie̅ &c. le Prior deux, ore le ſucceſſor aũa tiel briefe. Præcipe A. quod &c. redd̃ B. vnũ meſuag. &c. qd' clam̃ eſſe ius eccleſiæ ſuæ ſancti Thomæ Martiris de K. & in qd̃ &c. niſi per C. cui D. illud dimiſit, qui illud tenuit ad vitam ſuam ex dimiſsion̄ quam S. quondam Prior de K. prędic' prædict̃ Prioris ind̄ fecit præf. D. et quod poſt dimiſſ. &c. **C**

¶ Et ſi tenant en taile fait leaſe a terme de vie, & le tenant a terme de vie alien en fee, ore le tenant en taile auera briefe de conſimili caſu. Et iſſint ſemble ſi tenant en taile **D**

lesſ. terre al auter a terme de vie le lesſee, & deuie, & le tenãt a terme de vie alien en fee, ore semble q̃ iheire en taile poit esſlier de aũ Formed', ou de suer bẽe de consimili casu viuant le f. a terme de vie, car le f. en lacẽ naũa plee de abatre briefe, adire q̃ il ad title daũ Formed' de ceo terre &c. Mes si teñt en taile lesſe fre a terme de sa vie demesne, q̃ nest ascũ du cent, & puis le tenãt a terme de vie alien en fee, & le f. en taile mozust: ore s̃ heire naũa briefe de consimili casu, mes fra mise a son briefe de Formed' en cẽ case, car la il nad ascũ title daũ auter acẽ p colour de ascũ demise, mez del cas auãt mis il aũa title p reason de discontinuãce fait a terme de vie de claim̃ p reasõ de dzoit de cẽ reuersiõ q̃ luy discend, issint q̃ il ad dzoit p reason del reuersion en son pere reserue sur le leas, & auxy p reason del title en taile, deslier quel action il voile auer &c. Tamen quære.

E. ¶ Et icase fuit fait a vn a terme de vie, le rem̃ a vn auter en fee, & puis le tenãt a terme de vie alien en fee, per q̃ cestuy en rem̃ pozt briefe de consimili casu, & fuit abate, ℣. 7. E. 3. Mes le court la dit, q̃ la cause fuit, pur ceo q̃ cesty en rem̃ naũa cẽ rem̃ en fait, tanqz il eschue, & ceo aps le mozt le tenant a terme de vie, & ne fuit semble a vn reuert̃. Mes la ley nest issint pzis a cest tour, mes que cesty en rem̃ ad ceo rem̃ vestue en luy, cõe cesty en reuersion ad le reũsion, car il aũa bẽe de Wast, & poit enter pur alienation de son teñt, cibñ come cesty en reuersion, & ex hoc sequitur, que il ad cest rem̃ en luy en fait, p q̃ il semble a moy, q̃ cest iudgemẽt ne fuit bien done.

F. ¶ Et H. 18. E. 2. fuit tenus per Herle Iustice, que le bẽ gist pur cesty en rem̃ &c.

¶ Et iheire en taile pozt bẽe de cõsimili casu sur alienat fait p le f. p le curtesie, si le bẽ fuit maint &c. T. 31. E. 2.

G. BRiefe de Entre ad communem legem gist en case ou tenant en dower, ou per le curtesie Dengl', ou a terme de vie, alien en fee, ou a terme dauter vie, ou en taile, le terr̃ q̃ ils teigñ &c. & deuy, ore apres lour mozt cesty en le reuert̃ q̃ ad ceo en fee, ou a terme a vie, auer̃ cest bẽ Dentre ad communem legem, & le briefe serra tiel.

H. ¶ Rex vic' &c. Præcipe A. quod iuste &c. redd' B. &c. quod clamat esse ius et hæreditatẽ suam, et in quod idem A. non habet

habet ingressū, nisi p̄ C quę fuit vx' D. q̄ illud ei dimisit, quæ illud tenuit in dotē de dono præd̄ D. quondā viri sui patris vel alter̄ anteces. pred̄ B. cui⁹ &c. vt dicit &c. et nisi &c.

¶ Et ꝛ̄ est brief pur heire en reuer̄ q̄ aūa ceo p̄ discēt, & poit estre fait en le Per, Cui, & Post. A

¶ Et si fē recoū dowr̄, & puis alien en fee & deup, ore le br̄ Dentr̄ ad cōmūn legē ferra menꝰ de ꝛ̄ recouer̄ &c. Et si le t̄ p̄ le curtesie altē en fee & deup, ore ihr̄e aūa tiel brief. B

¶ Prec' A. q̄d̄ &c. redd̄ B. &c. q̄d̄ clam̄ &c. in quod idem A. non habet ingressū nisi per C. quę illud tenuit p̄ legē Angl' post mortem D. quondā vxoris suę, matris p̄d̄ B. cuius hær̄ ipse est vt dic' &c. Et puit estre pozt en le Per, Cui, ou Post, come le case gist.

¶ Et si le tenant per le curtesie altē en fee & deup, cēy en reuersion q̄ est heire en fee simple puit suer cē brefe, ou le Ass. de Mortdancest. done p̄ le statute de Glouc. ca. 4.

¶ Et si le tenant a terme de vie alien en fee & deup, ore cesty en reuersiō puit auer cest br̄ en diuers fozmes: Un, sil auer̄ cest reuersion per discent, le brefe ferra. Præcipe A. qd' &c. redd' &c. qd' clamat &c. et in quod idem A. non habet ingressum nisi per C. cui p̄d' B. vel D. pater, vel alius anteces. predict' B. cuius hæres &c. illud dimisit ad vitam ipsius C. vt dicit &c. ¶ Et il puit omitter ceux parols en le brefe, Quod clamat esse ius et hæreditatem suam &c. quant le demaundant fait le demise al tenant a terme de vie que alien &c. ¶ Et cest brefe poit estre pozt en le Per, Cui, & Post, come le case gist. C D

¶ Et il puit suer Ad terminū q̄ ꝑterijt sil veit, si le teñt a terme de vie alien & deup, ou cest brief a s̄ pleasure. E

¶ Et si le teñt a terme de vie graunt ouster son estate a vn auter, & cesty en reuersion graunt le reuersion en fee, et le tenant attozñ, & puis le second lessee alien en fee &c. ore le grauntee del reuersion aūa tiel brefe. In quod idem A. non habet &c. nisi per C. qui illud ei dimisit, qui illud ad vitam suam tenuit de ꝑfato B ex assignatione, quam I. qui illud prefat̄ C. dimisit ad eundem terminum, inde fecit prefat̄ B. vt dicit. ¶ Et puit estre pozt en le Per, Cui, & Post, come le case gist. F

¶ Et en le br̄e que est en le Post, cē clause ferra mis. Et quæ post mortem predict̄ C. ad prefatū B. reuerti debet per formam assignationis predict̄, vt dicit, et vnde queritur &c. vt dicit &c. G

BBrieue de Ceſſauit giſt en diuers maners, car lun brieue eſt lou le ſñr & tenant ſont, & le tenant ne pay ſon rent, ne face les ſeruices, come ſuit &c. a ſon ſñr, come il deuet̄, ne il nad ſuffiſ̄ biens ou chateux en la terre que il iſſint tient, a diſtr̄ pur le rent & ſeruices iſſint arer̄, mes ſuffr̄ la terre giſer freſh, & nient occupy per ij. ans enſemble enſuants, donqz le ſñr de que les terres ſont tenus, poit aū ceſt brief vers le t̄, & per ceſt brieue il puit recou̇ la t̄re, ſil ſoit troue pur luy, & le t̄ ne voille troue ſuerty de payer le rent en aps &c. Et ceſt brieue eſt en tiel forme.

¶ Rex vic' &c. Præcipe A qd' &c. redd' B. vnum meſuagium &c. qd' idē A. de eo tenet per certa ſeruitia, et quod ad ipſum B. reuerti debet per formā ſtatuti de communi conſilio reg. noſtri inde prouiſi, eo quod præd' A. in faciend' prædict' ſeruitia per biennium iam ceſſauit, vt dicit &c.

¶ Et ceſt brief eſt donc per le ſtatute de Weſtm̄ ij cap. 21. & poit eſtre ſue en le Per, Cui, & Poſt, en le Per ſic: In quod idem A. &c. niſi per C. q̄ illud ei dimiſit, qui illud de præfat̄ B. tenuit per certa ſeruitia, & quod ad ipſum B. &c. *uſque ibi*, prouiſi, ' eo quod prædict̄ A. vel eo qd' præd' C. in faciend' prædict̄ ſeruic' per biennium iam ceſſauit. Et il conuent alleage en le brieue, per q̄ le ceſſauit fuit fait &c.

¶ Et en le Per & Cui ſic: In qd' &c. niſi per C. cui D. illud dimiſit, qui illud de præfat̄ B. tenuit &c.

¶ Et en le Poſt ſic: In quod &c. niſi poſt dimiſſionem quā A. qui illud de præfat̄ B. tenuit per certa ſeruitia, inde fecit A. de E. et quod ad ipſum R. reuerti debet, eo quod præd' &c. vt dicit &c. Et vnde queritur &c. niſi &c.

¶ Et eſt auter forme de brieue de Ceſſauit ſans faire mēcion daſcun entre ſic: Præcipe W. de F. et A. vxori eius, qd' &c. reddant Abbati de S. duo meſuagia, quæ I. de B. de eo tenuit per certa ſeruitia, et quæ ad ipſum Abbatem &c. eo qd' prædicti W. et A. in faciend' &c.

¶ Et Ceſſauit giſt pur ſuit de court: Mes le donqz en taile nauera Ceſſauit vers le tenant en taile. Mes ſi home fait done en taile, le remainder ouſter en fee a vn auter, ou as droit heires le tenant en taile, la en ceſt caſe le ſeignioz, de que les terres ſont tenus immediate auera Ceſſauit vers le tenant en taile, pur ceo que il eſt tenant a luy &c.

¶ Et ſi home ceſſ. de payer ſon rent & ſeruices per ij. ans, & il encloſe le terre, iſſint que le ſeignioz ne puit diſtreiñ, ſi non

non q̃ il infreind̃ les poꝛts ou les heies del terre &c. oꝛe le ſñr aũa Ceſſ' com̃t q̃ le t̃ ad beaſts ſuffiſ̃ en la terre p̃ eſtre diſtr̃ pur le rent: car le t̃re couient eſtre oũt, & auxy ſuffiſ̃ a diſtr̃ pur le rẽt &c. mais la t̃re neſt ouert a ſon diſtr̃, ſil ne ſoit ſuffiſ̃ a ſon diſtr̃ &c. & iſſint ouert a ſon diſtr̃ eſt bone ple ſans dite pluis &c. M. 2 H. 4.

¶ Mes ſi beſts deigñ en la t̃re p eſcape, q̃r beſts ſõt al eſtr̃, & nemy al t̃: ceux beſts ne ſra dits ſuffiſ̃ ne oũt a ſ̃ diſtr̃, mes ſils fueront les beſtes le t̃, donq̃ ſemble auter.

¶ Et ſi 3. teigñ p entire rent, come chiual, & le ſñr recoũ 2. ꝓties del terre v̈s 2. de eux, & le tierce troue ſuretie &c. oꝛe lentier rent eſt extinct per ceſt recouer̃ &c.

¶ Home naũa vn bꝛief de Ceſſauit pur t̃res queux ſont tenus p ſeueral ſeruices, mes couient ſuer diũs bꝛiefes.

¶ Et ſi le ſñr diſtr̃ pend̃ le bꝛief de Ceſſ. v̈s le t̃, il abat ſ̃ bꝛief de Ceſſauit &c.

¶ Et Ceſſ. ſra ſue v̈s t̃ a t̃me de vie, ſon le rem̃ ouſter en t̃re, p le ſñr de q̃ la terre eſt tenus.

¶ Et quantitie des ſeruices nẽ trauerſabl' en Ceſſ. mes ſerra pꝛis per ꝓteſtation.

¶ Ne leiſin des ſeruices en Ceſſ. nẽ trauerſabl', mes le tenure eſt trauerſable en Ceſſ. generalm̃t &c.

¶ Laũt & neece ne toind̃ en Ceſſ. pur ceſſer fait auant le title de neece accrue a luy, mes pur ceſſ. en lour ambid̃ temps il toind̃ en Ceſſauit.

¶ Et h̃oe punt aũ vn Ceſſ. v̈s diuers plons & diuers t̃s p ſeueral p̃cipes &c. mes nemy p vn p̃cipe.

¶ Ceſſauit ne giſt v̈s t̃ a terme de vie, p̃ ceſty en reũ̃ ne v̈s t̃ en dower, mes v̈s t̃ per le curteſie pur le Sñr paramont, p̃ ceo q̃ il eſt t̃ al ſñr pamont, t̃n q̃re de t̃ cas, Mes t̃ p̃ le curteſie, ou t̃ en dower, ou t̃ a t̃me de vie aũa Ceſſ. v̈s le teñt que ceſſ.

¶ Et eſt bon plee adire, q̃ il ne ceſſ. pas p 2. ans auaũt l' bꝛiefe purchaſe.

¶ Et p Thorp & Hank home naũa Ceſſ. v̈s abbe ou pꝛioꝛ de t̃res de lour foũdat̃, mes ieo ne ſcay diuerſitie, meſq̃ q̃ le ſñr aũa Ceſſ. v̈s abbe ou pꝛioꝛ cibſi come v̈s auters t̃s del terre q̃ il tient d̃ eux p rent & auters ſeruices, mes pur terres q̃ ils teigñ en frankalmoigñ Ceſſ. ne giſt pur ceſſ. ou non feſans de eux ſeruices. Ne pur homage ne p̃ fealty Ceſſ. ne giſt.

¶ Et ſi home tient terres en diuers counties per vn te-

nure et vn seruice, sil cessa. &c. Cessauit ne gist &c. qđ vide 18. E. 3. en title de ass.

L. ¶ Et est vn aut̄ brief de Cess. fondue sur lestat de West. 2. cap. 41. q̄ si home done terres al meason de religion, ou al auter, a trou̅ vn chapleine chantant diuiñ seruice, ou a trou̅ cert̄ taps de auter deuant tiel image, ou a distribuē certain pane a lermoice chesc̄ semaign al pouer hōes: ore si ceux seruic̄ ne sont faits p vij. ans, ne suffic̄ distr̄ en la tre p m̄ le temps pur distr̄ pur ceux seruic̄, donqs cēy ou lō heire q̄ doñ ceux terres aūa tiel br̄e de Cess.

¶ Rex vic' &c. Præc' S. epō Wigorñ, qđ &c. reddat H. comiti D. vnum mes. &c. in villa de W. quod M. nup comes D. frat̄ pred' H. cuius hęr ipse est, dedit W. quōdam epō W. & succes. suis epis loci predict̄, ad celebrand̄ annuatim obitū I. fratris & B. matris predict̄ T. & etiā obitum eiusdem T. & R. de H. post eorum decess. Et quod ad prefat̄ comitē reuert̄ debet per fomam &c. eo qđ p̄d epus in celebrād̄ obitum p̄d per biennium iam cessauit, vt dicit T. &c.

¶ Et aliter ꝑ Cantaria: Prec' abbati de N. qđ &c. redd̄ B. & C. vxori eius vnum mes. &c. qđ R. ꝑ pau⁹ pred̄ C. cuius hær̄ ipsa est, dimisit E. quondam abbati de N. vel eidem abbat̄ & succes. suis abbatibus de N. ad inueniend̄ quandam cannonicum ꝑ annimabus anteces. et succes. eiusdem R. in abbathia de N. diuina celebrant̄. Et qđ ad prefat̄ B & C. reūti debet per formā statuti de cōmuni consilio regni nr̄i super hm̄di dimiss. ꝑ quisi, eo qđ pred̄ Abbas in inueniend̄ p̄d canonicum per bienniū iam cess. vt dicit, et nisi &c.

¶ Et semble brief poit cēr̄ suc vn̄ pson pur terres dones a son predeces. en fee, p̄ faire diuine seruice ē tiel chapled̄ 3. semaigns en 3. semaigns.

¶ Et iiiint hōe aūa tiel brief, lou fres sont doñ ꝑ luminari aut ꝑ potura paupum, aut alijs eleemosinis dandis &c. Et si hm̄i elcemosinæ subtrahant̄ p bienniū. Et lou hōe de religiō ou aut̄ espir̄ pson poit cē br̄e de Cess. il ne serra dit en le brief, Qđ clamat esse ius et hereditat̄ &c.

¶ Et hōe aūa Cess. pur non selant de plusors choses q̄ il deū fair̄, sic. Prec' A. &c. quod &c. redd̄ B. &c. qđ T. ꝑ pauus p̄d B. dedit W. quondam rectori &c. et succ' suis rectoribus &c. ad inueniend̄ q̄ndam capellanū diuina pro animabus anteces. eiusdem T. in eccl'ia &c. celebrantem, et duos cereos arsuros toto tempore, quo missa illa dicetur. Et quod ad ipsum B. reuerti debet, eo quod pred̄ &c. in inueniend̄ pred.

capel-

capellanū,et cereos per biennū iam Ceſſauit &c. Et poſſunt hmdi brīa fieri in le per,cui,& poſt.

¶ Et eſt vn auꝰ bꝛief de Ceſſ. foundu' p le ſtaꝰ de Glou: cap.4.ou home done certain terre en ferm de troū a luy eſtoūs en iuer de arder &c.ou veſture, ou renū le 4.pt ou 3. part annualm̄t del terre, et puis il ceſſ.et ieſſa le terre giſ. freſh mēt manure p 2.ans, donq̄ ceſty ou ſon heire q̄ done le terre,aū a ceſt bꝛiefe de Ceſſ.q̄ inſuiſt.

¶ Rex vic' &c.Præc' A qđ &c. reddat B.vnum meſ.&c.qđ idem B.ei dimiſit ad teodi firmam, reddendo inde per annū eidem B. tertiam partem vel quartam partem veri valoris meſuagij predict, et quod ad ipſum reuerti debet per formā ſtatuti de communi conſilio regni noſtri inde prouiſi,eo qđ predict A.in ſolutione predict firm̄ per biennū iam ceſſ. vt dicit,et niſi &c.

¶ Et en le per ſic : et in qđ idem A.non hēt ingreſſ. niſi per E.patrē p̄dict B. cuius hæres ipſe eſt q̄ illud ei dimiſit ad feođ firmā : *vel ſic* en le per & cui : niſi per D. cui p̄đ B.vel C.paū p̄đ B.cuius hæres ipſe eſt,illud dimiſit ad feođ firm̄.

¶ Et ē le poſt ſic: niſi poſt dimiſſ. q̄ predict B. vel C.paū p̄đ B.cuius hęres ipſe eſt, inde fecit D.ad feod' firmam &c. ceſſ.vt dicit,et vnde q̄ritur &c.et niſi &c. ¶ Et ſi feme dōe terre en fee farme renū le meity ou 3.part del value,& puis el pꝛiſt baron, et le ē ceſſ: p 2.ans, et ſuffer le teere giſ. freſh,et ne pay le rent, oꝛe le baron & fēe aū a bꝛief de Ceſſ. et bē ſupp̄,qđ ad pred' A.et B. ſa fēe reuerti debet,& nemy al feme ſolement.

¶ Et nota q̄ ceux dones en fee farme de rendē le 3.pt ou quart pt ou de troū luy chaplein chātāt diuiñ ſeruice &c. ou de troū luy veſtur̄ &c.ou eſtoūs,ou de diſtribuē &c. ſur q̄x dōes bꝛief de Ceſſ.giſ.il couient q̄ ils fuer̄ faits deuāt le ſtaꝰ de Quia emptores terraꝝ &c. ſur q̄l feffm̄ts vn tenuꝰ eſt reſerue et impliе en le donee, mes ſi hōe a cē iour puis le dit ſtaꝰ de Quia emptores, voil' doñ tres en fee farme rendū l' 3.part ou 4 pt del value del tre &c.ou de troū chaplein &c.ſi le teñt ceſſ.&c, oꝛe le donoꝛ ne ſon heire naū a bē de Ceſſauit,pur ceo q̄ nē aſcun tenure enter ceux, qđ vide T.45,E.3.en title de Ceſſauit.

¶ Mes ſi hōe fait done en taile a ceo iour de troū chapl' ou de rendē le tierce part annalment, ou de trouer a luy eſtouers annualment, oꝛe ſi le tenaunt ceſſa de ceux ſer- uies &c. ſi le donour auer Ceſſ. de ceux, pur recouerer le

terre, est doute &c. Et il sẽble q̃ le donor nasa Cessauit, car vn briefe de Cess. ẽ done p lestat de W.2. cap. 41. des terres don̄ de troũ chaplein, ou certaine taps, ou pur distributer certaine almoignes al pouers hões &c. mes semble q̃ cẽ intend de dões fait en fee simple, p̃ ceo q̃ lestat de W.2. c. 41. dit, qd̃ competat actio donatori, aut eius hæred̃ ad petend̃ tenũtũ sic datũ in dño, sicut statutum est in statuto Glo. de tenũtis dimiss. ad faciend̃ vel reddend̃ 4. partem valoris tenũti, vel maioris, & sur q̃x fessemẽts vn tenure fuit reserue & implie, p̃ ceo q̃ le statute de quia Emptores fuit fait aps lestat de W. 2. Et auxy auant le stat de Quia Emptores terrarũ, si hõe fait fessemẽt en fee, & ne dit de q̃ le fessee tenet̃ &c. donq̃ le fessée doit ten̄ del fessor & ses hẽes. Per q̃ appt si hõe al temps de feasans del stat de W. 2. don̄ tres a ten̄ in fee farme rendt le value ou le tierce pt &c. q̃ il teign̄ del fessor & ses hẽes comt q̃ ascũ tenure ne fuit exp̃sse in icel, & l stat de Gloc' fuit fait ann̄ 6. E. 1. & le stat de W. 2. anno 13. E. 1. & le stat de Quia emptores tr̃arum anno 18 E. 1. Et pur ceo si hõe fait fessemẽt en fee a cest iour a trouer certaine taps ardent, ou de rendr̃ le 3. pt del value, ou tiels sẽbles seruices, il aũa action de couenant sur cẽ fessemẽt, si soit per fait indent, & nul auter remedie pur ceo, come semble.

D ¶ Et si tre soit don̄ deuant tẽps de memory a troũ chaplein chãtant en s̃ chaple deins son manor a chesc̃ semaign &c. ore p le statute nul home aũa briefe de Cess. pur cess. de tiel seruice, forsq̃x le donor ou ses heires, mes sur cel matr̃ il aũa especẽ briefe p̃ cey q̃ est seisi del mañ, si & ses aũc̃ aũ este seisi del mañ tout tẽps puis temps de memor̃ vs cey q̃ deu̇ faire les seruic̃, qd' vide T. 7. R. 2.

E ¶ Et ne gist vs abbe ou prior p̃ cess del seruice de tres q̃ ils teign̄ ẽ frankalm̄, p̃ ce q̃ nul certaine seruice ẽ exp̃s ẽ le don̄ &c. Mes appt q̃ deuant le statute le sñr ne poit auer Cess vs le ten̄t, mes q̃ il poit añ seisie le tre pur les arrerag. del rent & seruice p iudgemẽt de sa court, si il fuit la troue, que il fuit arere &c. qd̃ vide P. 10. H. 3. mes a cest iour il ne poit illint faire &c. mes de suer le Cess. &c.

F BReife de Contra formam collationis gist ou hom̄ done terres ou tenements a vn abbe, ou meason de Religion deuaunt le Statute de Quia Emptores terrarum,

a

a tener de luy en frankalmoigne, & puis labbe ou le couēt alien m̄ la t̄re &c. en fee a vn auter, ore cesty q̄ don la t̄re ou son h̄e poit suer cē brief de contra formam collationis.

¶ Et cē brefe couient estre sue touts dits vs labbe q̄ alien ou vs son successl. & nemy vers cesty q̄ est t̄ del t̄re &c. mes q̄n̄t il ad recou la t̄re vers labbe q̄ alien, ou vers son sucē donq̄ il couient suer scire fac' vs cesty q̄ est tenāt del frankt̄ del t̄re, et le tenāt pled en barre cē matt̄, q̄ poit prou q̄ le demaund nad title, ou q̄ il ad ret̄ son title. A

¶ Et si cēy q̄ ret̄ p le Cōt̄ form̄ collationis ent̄ sur cēy q̄ est t̄ del frankt̄, donq̄ semble q̄ le t̄ auera ass. vers luy. B

¶ Et cē brief d Contra form̄ collationis gist solem̄t p cēy q̄ don les t̄res en frankalm̄, ou pur ces heires, & pur nul aut̄ estrang̃. Mes si cesty q̄ deuēt auer cest action deuy et ne sue ascē action pur cest, vncore son heire poit suer le brief p recou cē t̄re, car cest alienac̄ done title & droit a cesty que don les terres, & a ses heires de recouer la terre, & dau la terre arrere per cest alienac̄, Et gist bn̄ vers le successl. sur alienac̄ fait per le predecessor le abbe &c. C

¶ Et vncore tiel brief port vs le successl. sur alienac̄ fait p le predecessl. fuit abat̄ H. 17. E. 3. Mes vn̄ il semble que le brief gist, pur t̄ q̄ droit est don a cesty q̄ don les terres & a ses heires de reauer les terres per le statute, & cest droit ne poit morer, car lheire auera laction sur alienation fait en temps son pere, pur ceo que le droit del action discend̄, et per m̄ le reason lheire, ou le donor auera action vers le successl. sur alienation fait p son predecessl. pur ceo q̄ droit acrue al donor ou a son heire per alienac̄, per q̄ donq̄ semble reason q̄ il aūa ac̄ vs le successl. pur recou cest droit, & de prouer t̄, le forme del brefe en le Regist̄er est tiel. D

¶ Rex vic' &c. Præcipe Abbat̄ de N. &c. qd̄ &c. redd̄ B. vn̄ mesuagiū &c. quod eidem domui collatum fuit in liber̄ eleemosinam per præd̄ B. vel per H. patrem prædict̄ B cuius hær̄ ipse est, & quod per alienation per ipsum abbatem, vel per R. quond̄ abbat̄ de N. predecessl. predict̄ abbatis contra formam collationis p̄dict̄ inde factæ in fœdū ad p̄fat̄ B. reuerti debet, vt dicit, & nisi &c.

¶ Et cē brief de Cont̄ form̄ collation ne gist, com̄t q̄ labbe alien en fee &c. mes iou labbe & le couēt alien en fee &c. E

¶ Et si hōe recou en value vers abbe q̄ ent̄ en garrant et perde &c. le foundor auera Cont̄ form̄ collation sur ceo, come appiert per le liuer M. 45. E. 3.

F ¶ Et si abbe & couent alien aduow. in fee, al pchein auoydance le found ou son heire poit pſent al aduow. pur ceo q̄ ils ne poient suer Contra form̄ collacionis.

G ¶ Et si abbe & couent alien la t're doñ en frāk almoigne per le roy, aſcuns dient que le roy poet ent' &c. mes il ſemble que il couient suer Scire fac' sur office troue de ceſt alienation. Vide le cas M. 45. E. 3.

H ¶ Et ceſt briefe de Cont form̄ collac' eſt doñ p̄ leſtatute de Weſtm̄ 2. ca. 41. & le p̄t eſt ſum̄, grand cape, & pet cape.

I ¶ Et briefe de Cont form̄ collac' giſt cibñ del terre que ne fuit done pur le foundac̄ del monaſterye, sil fuit done en frankaimoign̄ cōs del terre que eſt del foundac̄, mes il couient eſtre doñ en frankalmoign̄, & deuant leſtat de Quia emptores terrarum, car home ne puit done terres puis le ſtat de Quia emptores terrarum al abbe ou pꝛioꝛ a tener en frankalmoigne, pur ceo que il couient teñ del ſeignioꝛ peramont, de que le tenant tenoit auaunt, mes le roy poet doñ terres a ceſt iour en frankalmoigne a vn abbe ou pꝛioꝛ &c. car il neſt ne p̄ leſtatut, & auxy le roy poet licenc̄ ſon t're de dōe t're al abbe ou pꝛioꝛ en fee ſimple, a tener en frāk almoign̄, car il poet diſpence oue le ſtatut de graunt ceo auctoꝛ a ſon t're ſil voit', mes il ſebt q̄ aut ſeñr ne poet grant tiel licence a ſ t p̄ le intereſt des ſeñrs paimount, mes le roy et touts les meſne ſeñrs poient grant licence al t' pauaile, q̄ ad le demeſne del t're, q̄ il alien en al abbe ou pꝛioꝛ a tener de luy en frankaim̄, ou de graunt a vn lay perſon en fee, a teñ de luy p̄ cert' ſeruic̄, pur ceo que ceſt ſtat de Quia emptor̄ fuit ſolem̄t fait pur auantage de ſeñrs, & per reaſon de ceo il ſemble q̄ ils touts poient diſpence oue le ſtat, quere.

K ¶ Et vide le foꝛme del count en Cont form̄ collation̄ en le lieur de Entres fol. 129. ſecund' latere, & la appiert que heire aña laction vers le ſucceſſ. abbe que alien en temps launceſter heire que poꝛt lac̄.

133 ¶ Briefe de Formedon en diſcender.

L FOrmedon en deſcend' eſt fonnd̄ ſur le ſtat de Weſtm̄ 2. ca. 1. et giſt en cas ou home done terre a vn & a ſes heires de ſon coꝛps engend̄, ou al home & a ſa feme, et a lour hēes de lour coꝛps engendꝛes, ou al home et al feme que eſt ſon coſen en franke mariage, per que doñ ils ſont ſeiſies, & puis il alien cenx terres, ou eſt diſſeiſi de ceux terres & deux, oꝛe

ſon

son heire auera cest brief de Formedon en discend' pur recouer ceux terres issint dones en taile.

¶ Et issint sur chescun doñ fait en taile de tres ou tenements, si laañ alien ceux terres ou teñ, ou soit disseisi ou defoꝛ de eux et deuie, cesty q̄ est son heire a ceux terres per force de cest doñ auera cest briefe de Formedon en discend vers cesty que est t de ceux terres ou teñts, ou pnour des profits de ms les terres ou teñts: mes cest brief vers les pnoꝛs des pfits ē doñ per le statꝫ fait añ 1.H.7.cap.1.

¶ Et en espeē cas home poit añ Formed' en discend des pfits apprend en alt̄ terres ou teñ, ou issuants de alt̄ tre ou teñts. Come si home grant rent de xx.s. ou x.li. issuant de alt̄ terre ou teñt a vn home & a ses heires de son coꝛps engendꝛes, ou en frankm̄ oue sa file a vn home, oꝛe si le donꝫ alien cest rent, ou est disseisi de cest rent & deuy, son heire que est son fits ou file auera cest briefe de Formd en discender de ceo rent. A

¶ Et issint si hōe grant le molty des issues paenants de son molin a vn hōe & a ses heires de son coꝛps, & le doñ deuy, & son heire est defoꝛ de cest pfit: oꝛe heire nña bre de Formed en discend de cel pfit: & le foꝛm de bre est tiel. B

¶ Rex vic' &c. Præc' W. magistro hospitalis S. T. Martiris de S quod &c. redd I.C. medietatem exituum prouenientium de duobus molend ipsius magistri in M. quam B. quōdam magister hospitalis &c. dedit W. de C. et hær de corpor suo exeunt, & quæ post mortem &c.

¶ Et issint semble si home grant a vn & a ses heires de s coꝛps engend pastur ad xx. boues, vel ad centum oues &c. si le donee deuy, & son fits & heire ē defoꝛ de cest, q̄ adonqꝫ il añ Formed' en discend de ceo, & le brief serra.

¶ Rex vic' &c. Pr &c. qd &c. r A B. pastur ad xx. boues, vel ad centum oues in centum acris terræ in M quam &c.

¶ Mes si hōe grant cōen de pastur a vn hōe & a ses hꝫ de son coꝛps engend oue les beasts, et pus le donee deuie & son heire est defoꝛ de cel cōen, iheire nañ Formd en discender de cest cōen, mes vn briefe de Quod permittat de cest en nature del formed, & count especialm̄t sur le matt & sur le doñ: mes cest brief de formed' en discend est act̄ ancestrel, car cesty q̄ est seisie per force del taile sil soit disseisi ouster del terre, il auera assise de noelu disseisin pur cel, ou briefe de Tresp̄as a son pleasure, et nemy Formedon. Et quel manner done serra dit done en taile, et quel non, C

appt p les tenures de Mast Littleton, & en les Abridgements en le title de Taile, & pur ceo ceux ne sont express. cy.

D ¶ Mes les formes de brēs de Form. t sont en diūs masns come appiert per le Registre, sic.

¶ Rex vic' &c Precipe A. quod &c. redd' B. mañium de N. cū ptiñ qđ C. dedit D. & E. vxori eius, & hered' de corporibus isoꝝ D. & E. exeuntibus, & quod post mortem predict D & E. pref. B. fil' & hæred' pred' D. & E. descendere debet p formā donationis præd' vt dic', & nisi &c.

E ¶ Et si le doñ soit fait en frankmariage, donqz le form del brief est tiel, Quod C. dedit B. in liberum maritag. cum fil' eiusdem C. & quod post mortem pd' D. & E. pf. B. fil' & hered' pdict D. & E. discendeꝝ debet &c.

F ¶ Et il couient en son brē de Formed'de faire menc̄ d' chesc̄ home q̄ fuit seisi per forc̄ del taile, & de nosm̄ luy fits & heiꝝ en son briefe en tiel mañ. Et quod post mortem pdict D. & E. & F. fil' & hæꝝ eorund' D. & E. pfat B. fil' & hæredi eiusdem F. discendere debet &c.

¶ Mes si alc̄ des heires en taile ne fuec̄ seisies p forc̄ del taile, mes survive s pere, & deuy deuant q̄ il ent en le tre, ou añ sīn de cē, donqz il ne besoigñ de nosmer eux hēs en le brief, mes solem̄t fitz en le brief en tiel mañ. Et qđ' post mortem pd' D. & E. fil' eiusdem D. & F. fil' pđ E pf. B. fil' pđ F. et consanguineo et hęꝝ pd' D. descend' debet &c.

¶ Jssint il couient touts foits faire le dō cosin & heire ou fits & heire a cēy q̄ fuit darrein seisi p forc̄ del taile, sic cōe le cas gist, & le sure voy p le dō est de faire chesc̄ home, q̄ il nosme en le brief, de nosmer eux fits & heires ē le brief, coms̄t q̄ ils ne fuec̄ vnqz seisies del tre p forc̄ del taile, car c̄ nē material fils fuec̄ seisies on nient, coms̄t q̄ ils eux nosm̄ heire en le brief. Quod vide añ 8. et añ 11. H. 6.

¶ Et si teñt en taile ad issue ii. fits & deux, & estrange abat & ent en la tre, & puis ieisne fits deux deuant que il ent en la terre: ore le puisne fits auera briefe de Formedon en discender, & ne besoigñ de appel' leigñ fits heire a son pere en le briefe, mes solem̄t fits, pur ceo que il nauera seisin en le terre, mes solem̄t tiend estate: Mes si leisñ frere auera enter en la terre, & fuit seisie vn foits de ceo, et deuie sans heire de son corps, donqz le puisne fits q̄ est son frere et heire couient faire menc̄ en son brief de Formd̄ del eisñ fits, et de nosme luy fits et heire a s̄ pere, & de faire luy m̄ frere & heire a luy &c.

¶ Et

¶ Et si lheire en taile soit seisi per force del taile, ou nient seisi, & puis ent en religion, & est profesſe, donqz son heire aũa briefe de Formedon en discender en tiel forme &c. ¶ Et quod post mortem p̃d̃ D. et postquã E. fil' et hęres p̃d' D. habitũ religionis assumpsit, in quo habitu ꝓfessus fuit vt dic', præf B. fil' et hær̃ eiusdẽ E. discendere debet &c. Mes si le pere fait feffemẽt en fee, ou leſſe a terme de vie, & ent en religion, & est ꝓfesſe, vnq̃ s̃ heire naũa briefe de Formed' en discend', ꝙa habit̃ religionis assũpsit, &c. durãt la vie le pere, pur c̃ q̃ le pere poit totalim̃t don̄ la t̃re durant la vie, & aps la mort le pere il poit suer le common briefe de Formed', sil voit, ou cest especial briefe, Quia habit̃ religionis assumpsit a son elect̃, come semble.

¶ Et si tenant en taile va en pilgrimage, & mozust en le iourney, ozе s̃ heire aũa briefe de Formd̃ vs estrang̃ q̃ ent̃ ou abat̃ en la t̃re, & le forme del briefe serra tiel. ¶ Et quod post mortẽ p̃d̃ D. et postquã E. fil' & hær̃ p̃d' D. iter perigrinationis arripuit versus sanct̃ Iacobũ, in quo itinere obijt vt dic', p̃f. B. fil' et hær̃ &c.

¶ Et si tenãt en taile ad issue ij. files, & lũ ad issue fits & deuy, & puis le t̃ en taile deuy & estrãge abate, ozc la file et le fits lauter file auera Formedon en tiel forme. ¶ Quod redd' B. et C. vnũ meſuag qd' D. &c. et qd' post mortẽ p̃dict̃ E. et F. vnius filiarum eiusd' E. pręf. B. alter̃ filiarum p̃dict̃ E. et B. filio p̃d' F. et consanguin̄ et hær̃ p̃dict̃ E. discendere debet &c.

¶ Et si tenãt en taile ad issue ij. fits & deuy, & leigne fits enter et ad issue & deuie, & son issue ent̃, & deuy sans issue d̃ s̃ corps, donqz le puisne fits le t̃ en taile aũa tiel briefe de formedon, si soit de forẽ del terre. ¶ Et quod post mortẽ p̃d̃ D. et E. fil' et hęr̃ eiusd' D. et F. fil' et hær̃ eiusd' E. p̃f. B. fil' p̃d̃ D. et consanguineo et hær̃ p̃d' F. discendere debet.

¶ Et si hõe done t̃re en taile a vn feme & as hẽes males de sa corps, & de R. iades sa baron engend̃, ozе si le feme deuie, et estrange abate, sa heire male engend̃ per R. sa baron aũa Formedon en tiel maner. ¶ Qd' C. dedit D. quæ fuit vx' R. et hær̃ masculis de corpore ipsius D. et p̃ R. quõd̃ viri sui exeunt̃, et qd' post mort̃ p̃d' D. p̃f. W. fil' & hær̃ eiusd̃ D. de corporo suo et corpore pręd' R. ꝓcreat̃ discendere debet &c.

¶ Et si home done terre a vn R. & as heires q̃x le dit R. engendza de sa prim̃er feme, donqz les forme del briefe

de

de Formedon eſt tiel. ¶ Quod W. dedit R. et hǣ, quos idem R. de prima vxore ſua procrearet, et quod poſt mortem p̄d̄ R. et A. filiæ G. quam primo duxit in vxorem pref. I. filio et hæredi eiuſdem R. de p̄f. A. prima vxore ſua procreato diſcendere debet &c.

G ¶ Et ſi hõe done tre a vn feme, & as hẽes q̄ il m̃ engend de corps le dit feme, & puis ils ont iſſue enter eux ij. files, et puis lun file ad iſſue file, et deuie, et puis le dit donor & le donee deuiet̄, or launt & le neece toindr̄ en Formedon pur ceo terre, fils ſont deforce de ceo, et le forme ſerra tiel.

¶ Quod R. dedit M. et hęr̄ quos idem R. de corpor̄ ipſi⁹ M. procrearet, et quod poſt mort̄ p̄d̄ M. & A, vni⁹ filiarum eiuſd̄ M. de corpore ſuo per prefat̄ R procreat, & I. alteri filiarum eiuſdem M. de corpore ſuo per prefat̄ R. procreaf̄, & I. de S. filio predict̄ A. et conſanguineo & hǣ eiuſdem M. diſcendere debet &c.

H ¶ Et ſi tre ſoit done a vn hõe & a la feme, & as heires de lour ij. corps, & ils ont iſſue vn fits, et deuiont, & le fits eſt ſeiſi, et ad iſſue 3. files, les q̃ux ont iſſue, et deuiont en la vie lour pere, et puis lun de les 3. files ad iſſue et deuy en la vie ſon aiel, et puis le pere de les 3. files deuie, or les copceñs de les 3. files aũa Formed̄ en tiel forme. ¶ Et quod poſt mortem p̄d̄ E. et F. et W. fil' et hǣ earundem E. et F. et A. M. et K filiarum p̄d̄ W. et Saræ fil' p̄d̄ M. p̄f. A. filiæ p̄d̄ A. et Iohanni fil' p̄d̄ K. et W. altero fil' p̄d̄ S. conſanguineis et hǣ p̄d̄ Wilhelmi diſcendere debet &c.

I ¶ Et ſi tre ſoit done al R. et I. & as heires del corps R. engendr̄, & R. ad iſſue 4. files, et il⁹ vn de ſes files entront en religion, et ſoient profeſſe, et I. deuie, et puis aut des files R. morust deuant q̄ ils auera aſ̄ poſſeſſion des tres, et les auters 2. files ſuruiue & ſont deforce del terre, or ils auera Formedon del terre en ceſt forme.

¶ Quod T. dedit R. et I. et hǣ de corpore ipſius R. exeũt, & qd' poſt mortē̄ predict̄ I et poſtquam predict̄ R. & Gracia vna filiarum p̄dict̄ R. habitū religionis aſſumpſer̄, in quo habitu profeſſi ſunt vt dicitur, Ac etiam poſt mortem E. alteri⁹ filiarum p̄d̄ R prefat̄ M et A. alijs duabus filiabus eiuſdem R. poſt mortem E. alterius filiarū p̄d̄ R. p̄f. M. et A. diſcendere debet &c.

K ¶ Et ſi reuerſion del teñt en dower ſoit grant en taile a vn home, et il eſt ſeiſi del terre per force de done apres la mort le t̃ en dower, et ad iſſue et deuie, et iſſue enter, et

ad

ad issue file & deuie, & puis estrange entr̄ & abat en la terr̄, ore heire issue le f̄ en taile auera Formed̄ en tiel forme.

¶ Quod I.de H.tenet in dotē de hæreditate I. de S. & qd̄ idem I concessit W.de S. & hæred̄ de corpore suo exeuntibus post mortem p̄d̄ I.habend̄,et qd' post mortem p̄d̄ I.et W.et R.filij et hæredis eiusdē W. p̄f. Isabellæ filiæ et hæredi p̄d' W.discendere debet.

¶ Et si home lesse terre a terme de vie, & puis grant le reuersion en taile, puis le ten̄t a terme de vie morust, ore si estranger abate en la terre, le grantee del reuersion aūa tiel brief. ¶ Quod I.dedit P. ad vitam suam, et qd' eadem I. postmodum concessit p̄fat̄ F. et hær̄ de corpore suo exeunt̄ post mortem ipsi⁹ P.habend̄, et quod post mort̄ predict̄ P. p̄f.F.remanere debet p̄ form̄ donationis & conces.s.p̄dict̄.

¶ Et si home lesse terre a terme de vie,et puis grant le reuersion en taile per fine al home & sa feme & as heirs q̄ il engendr̄ del corps sa feme, & puis le f̄ a terme de vie morust, & le baron & feme enter & sont seisies p force del taile & moreront, & estrange abate & entr̄ en la terre,ore la hēe auera tiel briefe de Formedon. ¶ Quod A.dedit B. ad vitam ipsius B.et quod idem A. per finem inde in cur̄ dn̄i E. quondam Regis Anglię aui nr̄i, coram C. et socijs suis tunc Iustic' &c.per breue suum leuat̄ concessit D.et E. vxori eius, habend̄ post mortē eiusdē B. eisdem D. et E. et hęr̄ quos idē D.de corpore ipsius E.,procrearet,& qd' post mortē p̄d̄ B.D.et E.p̄f.F.filio & hæredi p̄d̄ D.et E.de corpore ipsius E. per p̄f. D.procreato,discendere debet per form̄ donationis, & finis p̄dict̄, vt dicit &c.

¶ Auter forme de briefe de Formedon en discender.

ET est auter forme de brefe de Formedon en discender que est appel brief de Formedon de tre q̄ il tient en purpartie. Et cest brief gist ꝑ mēt ou tenant en taile deuie seisi, & ad issue pluiors files, & ils entr̄ et font purpartie et particion enter eux de ceo tre, et puis lun coparcen̄ aps la particion alien sa part & deux, ore son heire aūs cest mas de brief de Formedon. Et cē brief gist cibn̄ p tres dones en frankmariage, cōe pur auts dones en taile.

¶ Et si tres en Gauelkind sont tailes & discend̄ a pluiors freres come heires a son pere, & ils font particion enter eux de ceux terres, et puis lun frere alien sa part et deuie,

deuie, ore son heire auera brief de Formedon de cest. quam in purpartiam renuit, Et le forme del brief est tiel.

¶ Rex &c. Prec' A.qd' &c. redd' B. quatuor viginti acr̄ terr̄ cum pertin̄ in D. quas vna cū alijs quatuor viginti acr̄ tr̄æ cū pertin̄ in eadē vill' L. dedit T. in liber̄ maritag. cum I. filia p̄d' L. et quā post mortē p̄d' T. I. et M. fil' et vnius hær̄ eorund̄ T. et I. q̄ illas tenuit in purpartem suam, ipsam de p̄d' cent̄ et sexaginta acris tr̄æ per partitioñ inter ipsam M. et R. sororē eiusdem M. filiam et alter̄ hær̄ p̄d̄ T. et I. inde fact̄ contingen̄, prefat̄ filio et hær̄ p̄d̄ M. discendere debet &c.

℄ Et si ij. coparceners sont tenants en taile per discēt de lour pere ou mere, & puis ils font ptitiō, & lun coparcen̄ ad issue & deuie, & lauter coparcener deuy sans issue, ore lher̄ cesty coparcener q̄ auer̄ issue aūa Formedon en tiel forme.

¶ Et quod post mortē p̄dict' T. et I. et K. filiæ & vni⁹ hær̄ eorundem T. & I. quę illas tenuit in purpartem suam, ipsam de prædict' centū et sexaginta acr̄ terr̄ per partic' inter ipsi K. & M. soror̄ eiusdem K. fil' et alterā hær̄ p̄d̄ T. et I. inde fact̄ contingent̄, et pref. M. prēt. G. filio pred' M. et consanguineo et her̄ pred' K. discendere debet &c.

℄ Et appiert p le Register, q̄ hōc aūa briefe de Formed' de terr̄ quam in purpartem tenuit per nomen medietat̄ in especē cas: Come lou ij. coperceñs files le r̄ en taile sont, & ils font partition enter eux del terre, et puis lun soer deuy sans issue, et lauter soer alien la terre, & ad issue & deuie, ore issue cesty coparcen̄ q̄ aūa issue, aūa briefe de Formedon de tout cest terre en taile en tiel forme.

¶ Rex vic' &c. Prec' F. qd̄ &c. redd̄ H. x. mesuag xx. acr̄ terr̄ cum pertinētijs &c. quæ L. dedit A. & hered̄ de corpore suo exeuntibus, & q̄ post mortem pred' A. et M. fil' et vnius her̄ed̄ eiusdem A. que medietat̄ p̄dict̄ mesuag. et terr̄ tenuit in purpartem suam, & B. fil' & alterius her̄ed̄ pred' A. q̄ alteram medietat̄ eorundem mesuagior̄ & terre tenuit in purpart̄ suā, per particioñ inde inter ipsas factā, que quidem B. dict̄ medietat̄ pref. M. contingent̄ post mort̄ eiusdē M. vt soror & heres eiusd' M. tenuit, p̄f. H. filio & heredi pred̄ B. discendere debet.

℄ Et cē brief est bone, p̄ ceo q̄ per la mort lun soer sans issue le partition est anient en effect, & lauter auera tout la terre come heire en taile.

℄ Et si home done tre en taile al J. sa file, & as heirs de sa corps, et J. ad issue deux files et deuie, & ils enter si

font partition entre eux, & puis lun file ad issue ij. files, & lun de ceux ij. files ad issue iiij. files, & lauter file ad issue vn fits & deuiont, & puis launt q̄ fuit vn des files l' don deuie sans issue &c. & stranger abate &c. ore les iiij. files & issue lauter soer auera Formed̄ en tiel manner.

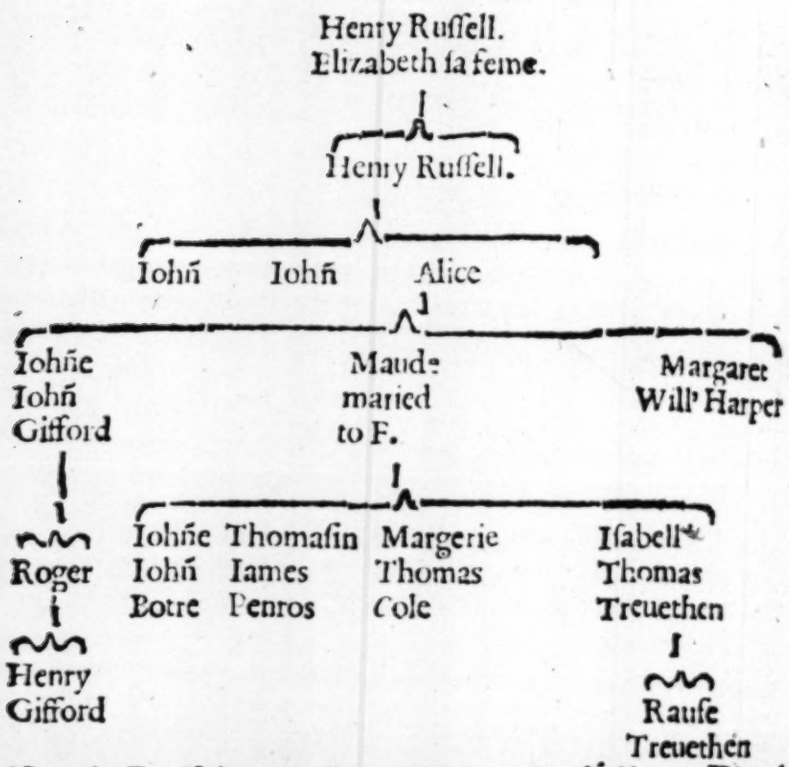
¶ Quod redd̄ tria mesuagia, centum acr̄ terr̄, et viginti acr̄ prati, et centū solid̄ redditus, cum p̄tin̄ in N. quę vna cū manerio de B. cum pertinentijs, A. dedit I filio suo et hæredibus de corpore ipsius I. exeunt̄, et quę post mortem p̄dict̄ I. et C. fil' et vnius hæred̄ eiusdem I. quæ illā tenuit in purpartem suam, ipsam post mortem præd̄ I. de prędict̄ maner̄, mesuag. terræ, prato, et redditu per partitionem inter ipsā C. D. filiam et alteram hæred̄ eiusdem I. inde fact̄ contingent̄, et prædict̄ D. et A. et E. fil' prædict̄ D. præfat̄ Margaret̄, Margerie, Katherine, et Constantine, filiabus prędict̄ A. et T. filij præd' E. et consangueo et hæredi prædict̄ C. discendere debent &c.

¶ Et si le moitie de alē terre soit done al baron & feme, et as heires de lour ij. corps engendres, et ils ont issue 4. files et deuiont, & ices soers enter & font partition entre eux, & puis les deux soers deuiē sans issue, & la 3. soer alien et deuie sans issue: ore le 4. soer aūa Foremdon en tiel forme. ¶ Et quæ post mortem prædictorum Rogeri & Agnetis, et Alic' filiæ iunioris, et vnius hæredis eorundem Rogeri et Agnet', quæ quidem Alicia iuñ dictam quartam partem tenuit in purpartem suam, ipsam de prædict' medietat̄ per partitionem inter ipsam et Isabel', et Aliciam seniorem, et præfat̄ Matildam filias et tres alteras hæred̄ prædict̄ Rogeri et Agnetis vxoris eius inde factam contingent̄, & prædictarum Isabellæ filiæ Rogeri et Aliciæ senioris, præfatę Matildæ sorori & hæredi eiusdem Aliciæ iunior̄ disceneere debent &c.

§ Pur faire plein declaration del case de Formedon en discender, sur que le briefe est foundue, est expedient dauer le Pedegree fait en le briefe, le quel vous veyers icy ensuant.

Henry

Formedon in discender.



¶ Henrie Russel done fee al Henry Russell & al Elizabeth la fée, & al Henry lour fits, & as heires le dit Henry le fits de ſ̃ corps engendres, & deuy, & puis Henry Russel le pere & mere deuy, & Henr̃ Russel le fits suit seisi p force del taile, et auer issue Iohñ, Iohn, & Alice, & Alice auer issue Iohañe, Maude, & Margaret, & Iohñe fuit marie a Iohñ Gifford, et auer issue Roger Gifford, que auer issue Henry Gifford, et Maude marie al F. & auer issue Iohñe marie a Iohñ Botreux, Thomasin marie a Iames Penros, Margerie marie a Thom̃ Cole, & Isabell' marie a Treuethen, a Isabell' auer issue Raufe Trauethen, et Margaret fuit marie al William Harper: Et Henry Russell le fits deuie, Iohñ son fits deuie, & Iohñ son frere enter et fuit seisie del terre per force del taile et deuie, et estrange abate, et touts les heires en taile sont mortes, forsque Margaret Harper feme William Harper, Henry Gifford, Thomasin maried to Iames Penros, Iohñe Botros maried to Iohn Botreux, et Margerie Cole maried to Thomas Cole, Iohñ, Margerie, & Raufe fits le dit Isabel. Dre ceux coparceners ioindr̃ en Formed̃, q̃ ferra tiel.

¶ Rex vic' &c. Præcipe Reginoldo Rees qd̃ &c. redd̃ Will' Harper et Margr̃et vxori eius, Henrico Gisford̃, Iacobo Penros et Thom̃ vxor̃ eius, Iohanni Botreux et Iohañ vxor̃ eius, Thom̃ Cole et Margr̃ vxori eius, et Radulpho

dulpho Treuethen, manerium de R. cum ptiñ, quod Henr Russel dedit Henrico de Russel et E. vxori eius, et Henrico filio eorundem Henr de Russel et E. et hær de corpore ipus Henr filij Henr exeunt, et qd post mortem pdict Henr de Russel et E. et Henr filij Henr, et Iohannis filij et hæred eiusdem Henr, filij Henr, et Iohannis fratris et hęred eiusdem Iohannis, filij Henr, et Alic' sororis eiusdem Iohañ, fratris Iohannis, et Iohanne vnius, et Matildæ alteri⁹ fil' eiusdem Aliciæ, et Rogeri filij predict Iohanne filiæ Aliciæ, et Iohanne vnius filiarum pdict Matild', ptefat Margaret vxor Wilhelmi tertiæ filiarũ predict Alicię, Henrico Gifford fil' pd Rogeri et Thomasię, Iohanne vxori Iohannis, Margeriæ vxori Thom cæteris filiabus pdict Matild', et Radulpho filio pdict Isabellæ fil' Matild' et consanguineo et hær prædicti Iohannis fratris Iohannis discendere debet &c.

134 ¶ Auter forme de brief de Formedon en discender, appel Insimul tenuit.

Est vn auter maner sozñ de briefe de Formedon en discender q̃ est appel brief de Formed' quæ Insimul tenuit, **& cẽ briefe gist p vn coparcen, ou per vn heire en Gauelkind des terres tailes, lou ils teign les terres tailes en copcenarie sans aſcũ partition fait entr eux de ceux terres, et puis lun coparcener alien son purpartie a vn estrange en fee et deuie sans issue, ou ad issue & deuy, ou il deuy seisi et ad issue, & estrange ouste lissue, ou lautr coparcener ouste lissue, ozre le issue ou cesty q̃ est heire al taile de ceux terres aũa cest brief de** Formedon en discender **vs lestrange, ou vers lauter copceñ, que luy deforce del terre.**

¶ Rex vic' &c. Præcipe Abbati Westmon &c. qd reddat B. & I. vxori eius duas partes triginta solidat redditus, mille alborum panũ precij xx. solid et quinque lagenarum seruic' precij decem denariorum cũ pertiñ in B. quas vna cũ tertia parte earundem solidat redditus, panis et seruic' cum ptiñ in eadem villa, A dedit G. et B. vxori eius, et hæred' de corporibus ipsorum G. et B. exeuntibus, et quæ post mort pd G. et B. et R. filij et hæred eorundem G. et B. et T. filiæ et hęr eiusdem R. et W. filij et hæredis eiusdem T. et M. filij et vnius hær eiusdem W. q̃ illas duas partes, et dict partem cum K. filia et altera hæredũ predict W. insimul tenuit, et D. filiæ et hęr eiusdem M. et predict' K. amit predict C. et F.

filiæ

filiæ eiusdem K. prefat' I. filiæ predict' F. et consanguineę et hæred' ꝑd' D. discendere debent per formā donac' pred' &c.

B ¶ Et semble per ceste brief, q̄ le dit J. ē seisi del tierce part de ceux rents, & port son brefe de tierce parte de ceste rent.

¶ Et auk forme de bē de Formed' in le insimul tenuit, lou il demaund̄ p noisme del moity, & cē lou le heire iun coper̄ est defore de sa part, & iauk coparc̄ est en possession de sa purpartie, a le brief est tiel. ¶ Præcipe Abbati Westmonast. quod &c. redd' B. et I. vxori eius medietat' triginta solidat' redditus, & reddit' mille albor' panū precij decem solid', et quinque lagenarum seruiciæ, precij decem denariorum &c. cum pertin' in villa West. quā vna cum alia medietate eorūd triginta solidat' redditus, et redditus panis et seruitiæ cum pertin' in eadem villa, A. dedit G. et B vxori eius, et hæred' de corporibus eorundem G et B. exeuntibus, et q̄ post mort' ꝑd' G et B. et F. filij et her' eorundem G. et B et T. filiæ et hæredis eiusdem F. et W. filij et hæredis eiusdem T. et R. filij et vnius hæ' eiusdem W. q̄ illam et ꝑdictam aliam medietat' cum M. filia et altera hæred' ꝑdict' W. insimul tenuit, et E. filij eiusdem R. ꝑfat' I. fil' ꝑdict' E. et consanguineo et hered' ꝑd' R. discendere debet &c.

C ¶ Et il appiert p cē brief, q̄ iun copē, aūa brief de Formdon en le Insimul tenuit vs estraunger sur poss. son aunc̄, sans nosm̄ iauk copcen̄ que ad son purpartie en poss. Et si home port Formed' en discend' sur le seisin son frere, & cōe heire al son frere, & il ne fra mentiō en le brē, que son frere est mort sans issue. Mes si home port Formed' en discend' cōe cosin & heire a alcun de les aunc̄, il couient fait menc̄ e son brief com̄t il ē cosin & heir a luy, & il couiēt faire luy hē a cestuy que fuit darrein seisi, & ceo per m̄ le brief.

D ¶ Et home aūa Formed' en discender sur done en taile fait auant le statute de Donis conditionalibus, si alienat

E fuit fait puis lestatut & ieuy deuant. ¶ Et si tenits tailes discend̄ a ij. copcen̄, & iun enc̄ en lentiertie, et iauter ad issue & deux, & cesty q̄ enc̄ en lētiertie deux sans issue, ore issue le auk copcen̄ aūa seūals brēs de Formed', vn del seisin son ael, et en cē brefe il ne dirra, Insimul tenuit &c. p ceo q̄ la mere ne fuit vnqs seisi, mes del auk moity del frē del seisin sa aunt le brē ferra menc̄, q̄ insimul tenuit oue sa mere, car c̄ seisin fuit sīn a sa mer̄, si el voit &c. ¶ Et si iun copē enc̄ apz la mort iaunc̄ en lētierty, & aliē en fee, & deux sās issue, iauk copcen̄ dōer̄ p Formed' iun moity cōe hē a son pere, et

et lauter moitie cõe heire a sa seor. ¶ Et si heirs en tail de tre de Gauelkind poꝛt formed' en discend', le bꝛe serra de comen foꝛm, come bꝛiefe de foꝛmed poꝛt per soers, et en le count il mꝛa le custome &c. ¶ Formed' serra maint dun goꝛs, mes nemy dñ aduoẅsl. ¶ Et si t en taile soit endet al roy ou eschequer et deuy, et s heire ent en ceux tres, et puis il est dist p le det le pere e les tres tailes: oꝛe si les exec le pere auera assets des bns, ou q le pere auera auts tres en fee simple, qux il aña alien as mains des auters ts, oꝛe heire en taile auera especial bꝛief direct al Treasurer et barons del eschequer rehers. cest matt &c. eux commanꝺ q uls encq de t: et si t soiet voier, q uls surcess. de luy charger pur ceux tres tailes, & le bꝛiefe est tiel.

¶ Rex Thesaurario et baron suis de scaccario salut. Monstrauit nobis R. filius I. de W. quod licet ipse non tenet terras seu tent, quæ fuer pred' I. pref. xij. mes. et ij. carucat træ in I. cum ptin, q pred' I. et C. vxor eius mat predict' R. quorum hæres ipse est, tenuer sibi et hæred' de corporibus ipsorum I. et C. exeuntibus ex dono et concessione H. de C. per finem inde in cur dni E. &c. aui nri leuatũ, et quæ post mort predict I. et C. ad manus ipsius R. virtute finis predict deuener: vos nihilomin ipsum R. in terras et ten pred' q sic tenent in feod' talliato, pro centum libris nobis pro arrerag. extent manij de Ostord' pret. I per vos postquã gubernacula regni susceperimus, et tent pred' dictis I. et C. in feod' talliato sic data et concess. fuer, commiss. reddend omis. tam pred' hered' predict I. quã tenent trar et tent, q fuer ipsius I. in feodo simplici, qui de debitis suis de iure debent onerari et sufficient habeant, vnde debita illa leuari possint distringitis, et ipsum ea occasione inquietatis multipliciter et grauatis minus iuste &c. super quo nobis supplicauit sibi per nos remedium adhiberi, nos nolentes prefat R. in hac parte iniuriari vobis mandamus, quod si vobis modo legitimo constare poterit mes. et terras predict predictis I. et C. in form predict data & cõcess fuisse, ipũq; R. aliqua alia terras et tenta q fuerũt pred' I. preter eadem mes. et tram, quæ ad manus suas virtute finis deuenernnt, non tener, ac dictum heredem seu tenent pred' sufficient habere, vnde dicta debita leuari possint, sicut predict est: tunc pred' R. de pd centum libris erga nos exonerari, et quiet esse faciat, illos qui inde de iure onerari debent, put iustum fuerit, onerantes, Teste &c.

¶ Et p ceſt briefe appiert, q̄ ſi lheire ou les auts frē ne tuer̄ ſuffrir̄ de paier le det, q̄ les terres taile q̄ lheire ad en taile ſerra charge, car aſcuns dient, q̄ le roy neſt lie per le ſtat de donis condit̄, mes q̄ il eſt en ſemble cas q̄ il fuit auaunt le ſtat &c. qre le meilour reaſon. ¶ Et ſi home alien ſes terres in fee, et puis deueign̄ dettour le roy &c. ore ſi le alienee ſoit diſtr̄ en ſes terres pur ceſt det, il aūa eſpeciall briefe al treaſuror & barons del eſchequer rehearſ. cē matt eux commandant de ſurceſſ. &c.

¶ Et iſſint ſi home ſoit diſtr̄ pur det ou ducty due al roy come exec̄, ou come pledg. al ceſty q̄ fuit dettor le roy: ore il aura ici eſpecial briefe al treaſuror & barons deſchequer denqrer de c̄, et de faire droit &c.

135 ¶ Brieſe de Formedon in remainder.

BRiefe de Formed̄ en rem̄ giſt en cas ou home done fres a vn en taile, le rem̄ a vn auter home en taile, et puis le prim̄ f en taile deuy ſans iſſue de ſon corps, et vn eſtrāge abat & defor̄ ceſty en le rem̄: ore ceſty en le rem̄ en tail ou ſon heire q̄ eſt iſſint defor̄, aūa ceſt briefe de Formedon en rem̄. Et iſſint ſi le prim̄ f en taile alien en fee et deuie ſans iſſue de ſon corps engend̄: ore cēp en le rem̄ en fee aūa brē de Formed' en rem̄ de rec̄ ſon eſtate &c.

¶ Et ſi home done fres a term̄ de vie, le rem̄ a vn auf & a ſes hēres de ſon corps engend̄, et le f a terme de vie moruſt, et eſtrange abat et defor̄ ceſty en le rem̄, q̄ il ne poit entr̄, ore ceſty en rem̄ ou ſon heire q̄ eſt defor̄ aūa briefe de Formed̄ en rem̄ de rec̄ ceſt terre &c.

D ¶ Et iſſint ſi hōe fait done en taile, le rem̄ en fee a vn auf, et le f en taile alien en fee ou en taile, ou a terme de vie, et moruſt ſans iſſue, ore ceſty en le rem̄ en fee ou ſ heire aūa briefe de Formed̄ en rem̄ de recouer ceſt terre &c.

¶ Et il ſemble q̄ m̄ la ley fra ſi hōe leſſ. fre a time de vie le rem̄ a vn auf en fee, & le f a time de vie alien en fee ou en taile, ou a terme de vie, & moruſt ou deuy ſeiſie, & eſtrange abat̄ en la fre, et defor̄ ceſtuy q̄ deuer̄ auer le rem̄, donq̄ ceſtuy en rem̄ ou ſon heire aūa briefe de Formed̄ en rem̄ de rec̄ ceſt terre: qd' vide in title de Formed̄ H. 24. E. 3.

¶ Et eco appt deſt̄ reaſonable, pur eco q̄ il ad droit dañ la fre, & donq̄ eſt reaſonable q̄ il aſi act̄ pur recou̇ cel, et eco appiert p le ſtat de Weſt 2. ca. 24. q̄ voit Quod quotieſc̄ q̄nque de cetero euenerit in Canc' qđ in vno caſu reperit̄ breue

breue, in consimili casu cadente sub eodem iure, & simili remedio indigenti, concordent clerici in canc' in breui faciend': per que semble que tiels briefs serra grants.

¶ Et auxy sur le stat̃ de donis conditionalibus nē briefe A
de formed̃ en rem̃ doñ p exp̃sse pols, mes brief de Formed'
é discend', mes vnc̃ vncz ne fuit ast̃ doubt, mesqz si hõe fait
leas a terme de vie, le rem̃ en taile a vn aut̃, que cestuy en
le rem̃ en taile ou son heire auera Formed̃ en rem̃ apres le
mort le tenit a terme de vie, sil fuit defors̃ del terre, et t̃ est
pleqtie de cest statut de donis conditionalibus come sēble,
car nul formd' é rem̃ est done p ast̃ estat̃, et pur t̃ semble q̃
il serra vsiz̃ p leqtie del statute, vnt̃ ascuns ont fait doubt
de ceo. Et le forme de briefe p̃ cestuy q̃ claim̃ le rem̃ en fee B
simple apres le taile determine est tiel.

¶ Rex vic' &c. Prec' A. qd̃ &c. reddat B. vnum mesuag. xx. ac̃ terræ &c. quæ C. dedit D. et hæred̃ de corpore suo exeuntibus ita qd̃ si idem D sine hed̃ de corpore suo exeunt̃ obierit, p̃d̃ mesuag. et xx. ac̃ terr̃ cū pertinen̄ p̃f. B. et hæredibus suis remanerent. Et quod post mort̃ p̃dicti D. pref. B. remanere debent per formā donationis predict', eo quod predict̃ D. obijt sine hærede de corpore suo exeunte, vt dicit, et nisi &c. tunc sum̃ &c.

¶ Et p̃ heire cestuy a q̃ le rem̃ fuit taile sic: Et que post mort̃ p̃d̃ D. et B. p̃f. I. filio et hæred̃ p̃d̃ B. remanere debet per form̃ &c. eo qd̃ p̃d' D. obijt sine hæred̃ de corpore suo exeūte, vt dicit, et nisi &c.

¶ Et si leas soit fait a terme de vie, le rem̃ a vn auter & C
as heires de son corps engend̄, ore apres le mort le tenit a
terme de vie, si cesty en le rem̃ soit defors̃ del terre p abate-
ment del estrang. donqz il aūa tiel brefe, Quod A. dedit B.
ad vitam ipsius B. ita qd' post mortem eiusdem B. pred' mes.
et xx. ac̃ terræ cum pertin̄ D. et hæred̃ de corpore suo exeuntibus remanerent, et quod post mortem predictorum B.
et D. pref. W. filio et hæredi eiusdem D. remanere debent per
formam &c.

¶ Et si reuersion soit grant a vn auter en fee taile, & le D
tenaunt a terme de vie mozust seisi, et estrang. abat̃ et ent̃
en le terre, ore cesty graunt̃ en reuersion auera forme̅ en
rem̃ en tiel forme: Que G. dedit T. ad vitam ipsius T. et
que idem G. post modum concessit prefat̃ M. et P. quondam
viro suo, habend̄ post mortem predict' T. prefat̃ P. et M. et
hæredibus de corpor̃ ipsor̃ P. et M. exeuntibus, et quæ post

mortem pred̄ T. pref. M. remanere debent per form̄ conces-
sionis pred̄, vt dic'; &c. ¶ **Un A. doñ vn manoꝛ foꝛsꝑs 13. s.**
E **4. ꝺ. redditus a vn R. et J. sa feme, & as heires de lour ꝯ.**
coꝛps engendꝛ, le rem̄ a vn J. en fee, & puis le dit R. alien
vn mese & vn acre a vn home, & 3. acr̄ a vn auter, & deux acꝛ
del terre al tierce ꝑson en fee, & le residue del mañ a vn B.
en fee foꝛsꝑris le dit rent de 13 s. 4. ꝺ. & puis le baron et
feme deuiont sans issue enꝰ eux, & cesty ē rem̄ auera donꝛ
tiel briefe ꝺs laliene: Prec' D quod &c. reddat I. manerium̄
de F. cum ꝑtiñ exceptis vno mes. sex acr̄ tꝛæ, & tresdecim so-
lidat̄, & quatuor denar̄ redditus in eodem manerio. Et præ-
cipe G. qd' &c. reddat eidem I. vnum mesag. & xx. acr̄ terꝛæ
cum ꝑtiñ in F. Et pręcipe T. qd̄ &c. reddat eidem I. tres acr̄
tꝛæ &c. Et præcipe K qd̄ &c. reddat eidem I. duas acr̄ terꝛæ
cum ꝑtiñ, q̄ A. dedit R. & I. vxori eius, & hęred' de corpori-
bus ipsorum R. & I. exeunt̄, ita qd' si I. ijdem R. et I. sine hær̄
de corpoꝝ̄ &c. obierint, ꝓd̄ mes. sex acr̄ terr̄, et maner̄, except̄
mes. sex acr̄ tꝛæ er redditu ꝓdict̄, prefat̄ I. et hæredibus suis
remanerent &c.

¶ **Et ꝑ ceo appiert, q̄ home auera vn briefe ꝺe** Formed̄
en rem̄ vers ꝺiuꝰ ꝺs per diuers Precipes **en m̄ le briefe.**

¶ **Et illint si home ieſſ ꝺres a tm̄ de vy, le rem̄ ē taile &c.**
le rem̄ ouster ē fee a vn auter, et puis le teñt a term̄ de vie
moꝛuſt, & le teñt en taile alien en fee, & puis laliene alien
ꝯ. parts del dit terre a vn teñt, & le tierce part del dit terre
al auter teñt, & puis le teñt a terme de vy moꝛuſt, & le tenāt
en taile deuie sans issue, oꝛe cesty en le rem̄ en fee aũa briefe
ꝺe Formed̄ **en le rem̄ en tiel foꝛm̄.** ¶ Præc' A. qd̄ &c. redd̄ B.
duas partes vnius mes. cum ꝑtneiñ in N. Prec' F. qd̄ &c. red-
dat eidem B. tertiam ꝑtem vniꝰ mes. cum pertiñ in eadem
villa, quas D. dedit C. ad vitam ipsius C. ita qd̄ post mortem
ipsius C pred' duæ partes & tertia pars F. et hæred̄ de cor-
pore suo exeunt̄ remanerent, et si ꝓd̄ F. sine hęrede de cor-
pore suo exeunte obierit, ꝓd' duæ partes et tertia pars ꝑfat̄
B. et hær̄ suis remanerent, et quæ post mort̄ ꝓd' C. et F. pref.
B. remanere debent ꝑ form̄ donationis ꝓd̄, eo qd' predict̄ F.
obijt sine hęrede de corpore suo exeunt̄, vt dicit, et nisi &c.
¶ **Et ꝑ t̄ appiert com̄t il aũa vn briefe ꝑ seueral** Prec' **ꝺs**
seuerall tenants.

F ¶ **Et si hõe ieſſ. a vn xx. acr̄ terre a term̄ ꝺe vy, & moꝛuſt,**
& le reuersion discend̄ a son frere, et il deuy, et le reuer-
sion discend̄ a ceux deux soers, et ils font partition del

terre

terre, & x.acr̃ assigñ a lun soer, a aũ a luy et a ses heires, et lauk̃ x.acr̃ allot al auk̃ soer et a ses heires, & lun coparcener graunt le reuersion de son purpartie de x.acr̃ a vn home & a sa feme, et as heires de lour deux corps engendr̃, et puis le tenit a term̃ de vy mozust, et estrange enter & abate en la terre, oze le baron & feme q̃ sont en le rem̃ auera briefe de Formed' en rem̃ en tiel forme.

¶ Præc' R. de N. qd̃ redd̃ K. et A. vxori eius decem acr̃ terræ cum pertinentijs in N. quas vna cum alijs decem acr̃ terræ cum pertinentijs in eadem villa R. de S. dedit W. ad totam vitam suam, et quas M. de B. soror et vna hæred̃ N. de S. fratris & hęr̃ p̃d' R. de S. cui quidem M. reuersio predict̃ decem acr̃ terræ assignata fuit in purpartem suam, ipsam de predictis viginti acris terræ per partic' inter ipsam et Luciam soror̃ & alterã hæred' predict' N. de S inde factam post mortẽ p̃d W. contingent̃ concessit p̃f R. et hær̃ de corporibus ipsorũ R. & A. exeunt̃ post mort̃ eiusdem W. habend̃, et quæ post mortem eiusd' W. p̃f. R. et A. remanere debent per formam concessionis p̃dictæ, vt dicunt, & nisi fecerint, & p̃dict̃ &c.

¶ Et si cẽp q̃ ad le rem̃ ou s̃ heire soit vn foits seisi de fre p̃ force del rem̃, donqz il naũa vnqz apres formedon en rem̃ pur ceste terre, mes Formedon en discender, pur ceo que ceste rem̃ est vn foits execute. Et nul tenit aũa formed̃ en discender ne en le rem̃, lou il est vn foits en possession p force del taile, ou per force de ceste rem̃, car apres que il ad possession del terre per force del taile, ou per force del rem̃, si soit oustk̃, il aũa assi. de nouel diss. ou briefe de Quibus in nature dassise &c.

¶ Si rem̃ soit don̄ a ij. & a lour heirs, & lun deuy, & lauk̃ B
suruiue, et apres deuy, s̃ heire aũa formedon en rem̃, come heire a luy sans faire mention en le briefe, que il surueskit lauk̃ tointenant &c.

¶ Et en formed̃ en rem̃ il couient mẽe vn fait de fr̃, si le C
fr̃ demaund oier del fait, mes en le count il ne parlet̃ dascun fait, come appiert p le lieur des Entries des plees, mes le fr̃ couient demaunder oier de ceo, et donqz le dõt moustret̃ cel, et ne parlet̃ en le count del fait.

¶ Et si le rem̃ soit vn foits execute en le briek̃ de foremd̃ D
en discendr̃, il ne vnques parlet̃ de ceo rem̃, mes le geñal briefe de formed̃ en discender seruet̃ en fr̃ cas, come appiert per le rule en le Register.

FOrmedon en reuerter gist ieu home done terres a vn home en taile, ou en frankmariage oue la file, et puis le donee ou ses heires deuy sãs issue de lour corps, ore le donor ou ses heires potent sner formeď en reuerť vs cestuy q̃ le teñt del ceux terres que fueront issint dones.

¶ Et issint si hõe doñ terres en taile a vn hom̃, & puis le donor graunt le reuersion en fee a vn auť, & puis le doñ en taile deuy sans heire de son corps, le graunť del reuersion añ a briefde formeď en reuerť pur recouer ceste terre, mes si grant le reuersion a vn auť en taile, ou a terme de vie, et puis le donee deuie sans heire de son corps, donque cesty graunť del reuersion auera especial briefe, come appiert auant enť les briefes de formeď en rem̃. Et p̃ iheuc le doñ le forme de briefe est tiel.

¶ Prec' A. &c. quod reddˀ B. vnum mes. et viginti acr̃ terr̃ cum pertiñ in G. quod C. pater predˀ B. cuius hæres ipse est dedit I. & E. vxori eius et hær̃ de eor̃ corporib⁹ exeunt̃, & qd̃ post mort̃ p̃d̃ I et E. ad p̃f. B. reuerti debet per form̃ donationis p̃d̃ I. et E. obierunt sine hær̃ de corporibus suis exeunt̃ vt dicit, et nisi &c.

¶ Et si tẽ soit doñ en taile, le rem̃ a vn auť en tail', & puis le prim̃ť en tail' deuy sans issue, & le second teñt en taile en rem̃ enť en religion, & est profesle, ore le doñ ou son heire auera tiel brief de formeď en reuerť, Qd' C. pat̃ D. cuius hæ̃ ipse est, dedit F. et heredibus de corpore suo exeunt̃, ita qd̃ si idẽ F. sine her̃ de corpor̃ suo exeunt̃ obierit, p̃d' mes. &c. H et hær̃ de corpore suo exeunt̃ remaneˀ, et qd̃ post mort̃ p̃d̃ F. et postquam p̃d̃ H. habit̃ religion assumpsit, ad p̃f D. reuti debet per form̃ donatioñ p̃dict̃, eo qd' p̃d' F. obijt sine her̃ de corpore suo, et p̃d̃ H. in habitu p̃d̃ p̃fessus est sine hæred' de corpore suo exeunte &c. et nisi &c.

¶ Et si C. doñ terres en tail' a vn E. & F. sa fẽe, & a les heires de lour deux corps engendˀ, & le dit C. ad issue G. et B. et deuy, & puis G. deuy, & B. grant le reuerť̃ a vn H. a terme de vie, et puis G. morust, & F. mor̃ sans issue de lour corps &c. ore B. auera formedon en reuerť̃ en tiel forme: Quod C. dedit E. et F. vxori eius, et her̃ de corporibus &c. exeuntibus, et quod G. filius et hæres prædict̃ C. frat̃ predˀ B. cuius hæres ipse est, post mortem predict̃ E. concessit H. ad totam vitam suam post mortem predict̃ F. habend̃, et quod post mortem predictorum F. & H. ad prefat̃ B. reuerti debet per formam donationis & concess. predict̃, eo quod

predict

predict E. et F. obiit sine hæred de corporibus suis exeuntibus &c.

¶ Mes il semble en cē cas si H. nāt survive F. a vst entē en le terre, et ātre seisi del tre pur term de la vie et vst donqs deme, q̄ adonqs le dit B. naūa brief de formd en reuert, mes briefe de Ad termin qui prēterijt &c.

¶ Mes si H. ne aūa ent ē le tē aps le mort F. donqs le dit B. aūa le dit brē de Formd en reuert. Mes si H. aūa ent ē la tē aps la mort F. e vst aū alien en fee la terre, donque B. durst aū brief dentē In consimili casu viuant H. e apres la mort H. brief dent ad communem legem.

¶ Et si F. seisie tre a vn P. a tme de vie, et ad issue fits e fil. e deup, e le fits granta le reūsion a vn J. e a ses hrs de ē corps engend, e puis le t a tme de vie deup, e le tent en taile deup sans issue &c. et puis le fitz deup q̄ fuit donor: ore la file aūa formd en reuert en tiel forin Qd F. dedit P. ad totam vitā suā, et qd T. filius et hær p̄d F. frater p̄d B. cuius hær ipse est, concessit I. habend', et post mortem ipsius P. eidē I. et hæred de corpore suo exeunt, & qd post mortem p̄d P. et I. p̄f B. reuerti debet per form donation & concessionis p̄d, & qd p̄t. I. obijt sine hær de corpore suo exeunt, vt dicit &c. A

¶ Et si tre soit don en taile, e le t en taile ad issue 2. files, e puis lun file ad issue vn file B. e lauf file ad issue auter file C. e puis B. ad issue J. et puis touts les filez deuiont, e puis le dit J. deup sauns issue de son corps, ore le donor ou son heire aūa tiel brief. Et q̄ post mort predict E. et F. et M. et A. filiar et hær eorund' E. & F. et I. fil' predict M. & hær eorundem M. & A. ad prefat I. de B. reuerti debent &c. eo qd p̄d I. &c. fil' p̄dict M. obijt sine hæred' de corpore suo exeunt. B

¶ In Formedon en reuert il couient lier les esplees ē le donor et le don en son count. ¶ En formedon en reuerter il couient faire mention del eigne frere q̄ survive s per &c. pur ceo q̄ il tienū estat, com q̄ il ne fuit seisi del terre, com si le donor ad issue 2. fits et deup, et leisne fits deuie auaunt que il enter en la terre. ¶ En formedon en reuerter port p le puisne fits il couient faire menē en le brief del eisne fits que fuit son frere, pur ceo q̄ il fuit vn foutz heire al don, mez si leisne fits mor en la vie le pere, donque le puisne fits ne ferra menē de luy en s brief de formdon sue p luy, cōe heire al pere, pur ceo que leisne fits ne fuit vnque heire en fait C D

al pere: Mes en briefe de droit q̄ est appell' Prec' in capit̄ dort p le puisne fits, come heire a son pere, com̄t que leisn̄ fits morust en la vie le pere, vnd̄ en s̄ couenāt il coutēt faīt menē del eisne fits, pur ē que il poit p possibility dañ tienū estate, et dañ estre heire a son pere.

E ¶ Et si hōe doñ tre en taile, a le t̄ en taile ad issue e deux, e lissue deux sans heirs de son corps auant que il ent en la terre, dze le donor poit suer formedon en reuert̄, supp̄ q̄ le donee deux sans issue &c. Et cest brieue fuit ag bone M. 18. E. 2. pur ceo q̄ lissue ne fuit en vie al tēps del bre p̄chase, e il ne poit añ formedon en reuert̄ de seisin lissue, pur ceo q̄ lissue deux auant que il auera seisin del terre.

137 ¶ Briefe de Eiectione firmæ.

F Briefe de Eiect̄ firmæ gist ou hōe lesse terre a terme des ans &c. et puis le lessor luy eiect̄, ou estrange luy eiect̄ de son terme, dze le lessee añ a cē brief de Eiectione firmę, et le forme del brief est tiel.

G ¶ Rex vic' &c. Si A. fecerit &c. tunc pone &c. B. qd̄ sit cor̄ Iustic' nostris &c. ostensurus quare vi et armis mañiū de I. qd̄ T. prefat̄ A dimisit ad t̄miñ q nond̄ præterijt, intrauit, & bona et catall' eiusdem A. ad valenc' &c. in eod̄ mañio inuēta cæpit et asportauit, & ipm A. à firma sua p̄d̄ eiecit, & alia enormia ei intulit, ad graue dampnum &c.

¶ Et ē aut̄ forme de briefe sic. Ostens. quare vi et armis maneriū de B. qd̄ I. pref. A. dimisit ad termiñ 7. annorū, infra t̄miñ illū intrauit, & illud per magnū tempus occupauit, et ipsum A. quominus exitus manerij p̄d̄ iuxta form̄ dimis. p̄d̄ percipere potuit, impediuit, et bona &c.

H ¶ Et en cē brief il recouera s̄ t̄me aret̄ si le term̄ ne soit expier, et auxy ses dam̄, a le prot̄ est attachm̄t a dist̄, a prot̄ de blag. &c. ¶ Et añ 14. H. 7. en Eiectione firmæ pt vers estrang. le pl' añ a iudg. de ret̄ son terme, a sur t̄ le def. fuit bre derrot, a le iudg. fuit affirme, a exet̄ ag. al pl'.

¶ Et añ 17. H. 8. tiel iudg. fuit done en le cōen banke, q̄ il ret̄ son terme et ses dam̄.

I ¶ Et si hōe fait leas a t̄me dez anz, a puis suffr̄ vn feint ret̄ vs lū p brief dēt en le post, ou p aut̄ br̄: dze si cēy q̄ ret̄ ent̄, il sēble reasonabl' q̄ le t̄m añ a brief vers Eiect̄ firm̄ vs luy q̄ ret̄ p vtue del stat̄ fait añ 21. H. 8. ca. 15. pur ē que le stat̄ done luy power de deteigne a inioyer son t̄me, Et sur ceo appiert, q̄ cesty que recouer fait tozt a luy si il luy ouste de son

son terme, mes auant lestatute le lessee naũa tiel brieue, pur ceo q̃ cesty q̃ recouer vient al terre p course de ley.

¶ Et si hõe lesse tre a tme des ans, & puis grant le reuerc̃ en fee, & le ten̄t attorn̄, ore si le grant del reũc̃ ouste le termor, il aũa brief de Eiect firm̃ vers luy. A

¶ Et illint si le reũsion escheat, & le sr̃ p escheat ouste le ferm̃, il aũa cest bre de Eiect' firmę vers luy. B

¶ Et illint si cesty en reũsion soit villein, & le sr̃ claim̃ cest reuersion, & puis le sr̃ ouste le fermor, il aũa cest brief de Eiectione firmę. C

138 ¶ Briefe de Ayel & Besaiel.

BRieue de Ayel ou Besaiel gist ou laiel ou besaiel fuit seisi en son dem̃ come de fee de ascun terre one tenem̃t en fee simple le iour q̃ il morust, & deuy, et estrange abate ou ent̄ a meisme le iour sur luy, & defore iheire &c. ore iheire auera cest brief de Ayel ou Besaiel come le cas est, & ne besoigne q̃ layel deuy seisi, ou q̃ le besaiel deuiet̄ seisi: car sils sont seisies de iour q̃ ils deuiet̄, ceo suffist a mainteiner ceux actions, & le forme de brief est tiel. D

¶ Rex vic' &c. Præc' A. qđ iuste &c. redđ B. vnum mes. cũ ptiñ in E de quo W. auus p̄đ B. vel auia p̄đ B. vel proauus, vel proauia p̄đ B. cuius hær ipse est, fuit seisit̄ in dñico suo, vt de feodo die quo obijt, vt dic' & nisi fecerit, et p̄đ B. fecerit secur̄ &c. tunc sum̃ p̄đ A. &c. E

¶ Et le pces en cẽ bre est Sum̃, & grand Cape auant apparance, & aps apparance si le t̄ fait def. petit Cap̃ fra ag̃. F

¶ Et com̃t q̃ lant̄ aler̄ en pilgrimage ouster̄ le mere & la deute, vnt̄ le brief de Ayel serra geñal, come est auantdit. G

¶ Et illint si laiel ent̄ en religion, & est professe, ihe aũa brief dayel si estrange abate, et le brief serra general, & ne parlera del entre en religion ne del profession &c.

¶ Auant & le neece ioind̄ en brief de aiel de seisin laiel &c. per equitie del statute. H

¶ Et le statute seruer̄ pur ceux morant seisies auant le statute come pur ceux morant seisies puis le statute.

¶ Et ij. copceñs port brieue daiel, & p le count ils supp̄ lant̄ aiel a lũ, & treisaiel a laut̄, & vnt̄ ag̃ bone, Et le brieue en le Register ẽ tiel. ¶ Rex vic' &c. Præc' A. qđ iuste &c. redđ B. & C. vnum molendinum &c. de quo D. auus p̄dict̄ B. et proauus p̄đ' B. cuius hæres ipsi sunt, fuit seisitus &c.

139 ¶ Co-

I BRiefe de Cosinage gist ou tresaiel fuit seisi en son demesne come de fee le iour q̄ il morust dascun terres ou tenēts, et deuie, et estranger enter et abate, donqs son heire auera briefe de Cosinage, et le forme del briefe est tiel.

K ¶ Rex vic' &c. Præc' A. qđ iustè &c. redd' B. vnum mesuag cū pertiñ in N. de quo W. consanguineus vel consanguinea p̄d' B. cuius hær ipse est, fuit seisitus in dñico suo vt de feod die quo obijt, vt dicit, et nisi &c.

¶ Et hōe auera briefe de Cosinage de seisin le frere le tresaiel.

L ¶ Et ihē le sñr q̄ fuit son tresaiel pott' aū brē de Cosinage del rent del sñiorie ōs le tenāt, sil luy deforce de rent, e

S poit counter del seisin son tresaiel. ¶ Et sil voit il poit aū briefe de Customes et seruices ōs le t̄ a son eleck.

M ¶ Et si home poit aū briefe de besaiel, it ne suera briefe de Cosinage. Et sil fait, le t̄ poit abate le briefe p̄ le darrein seisin le besaiel. Et auxy hōe naūa briefe de Cosinage de seisin son besaiel, mes serra mis a suer s̄ briefe de besaiel &c.

D ¶ Ne hōe naūa briefe de Cosinage de mort son vncle &c. pur ceo q̄ il poit aū iass. de Mortđ de ceo seisin.

¶ Et Cosinage ne gist enter pruues de sank, nient plus que ass. de Mortđ, mes serra mis a lour Nuper obijt, come semble.

P ¶ Et si le tresaiel passe le mer, ou enter en religion et t̄ profesie &c. vnt̄ le briefe de Cosinage serra general come le

Q briefe de Ayel serra. ¶ Et le proces est Sum, grand Cape, e petit Cape.

140 ¶ Briefe de Ad quod dampnum.

BRiefe de Ad quod dampnum gist en cas ou home voille doñ tres ou tenāts en mortmaine, cōe a vn mealon de religion, ou a vn corps incorporate en fee simple, donques il couient auer licence de Roy de faire cest grant, et de chief sñrs, de q̄ux tiels terres sont tenus &c. Et deuant q̄ tiels licences soient faits, le bone vsage e cours est de suer al Roy dañ tiel licence, et de suer cē briefe hors del Chancery direct al Eschetor denquirer a quel dañ il serra al Roy ou as autres plons, si le roy grant tiel licence, et sur cē briefe retorñ et certifie en le Chancery le Roy deuer̄ graunt tiel licēce, q̄ il poit alien ou doñ en mortñ: Et cest inquisition coniet estre certifie en le cāncery de outh le seales lesches,

et

et de ceux iurorz, per quex le inquiſition ſuit troue. Et le forme del briefe eſt tiel.

¶ Rex dilecto ſibi I. de K. Eſchaetori ſuo in com̃ L. ſaluté B
Pręcipimus tibi, quod per ſacramentum proborum & legalium hominum de balliua tua, vel in comitat̃ tuo, per quos rei veritas melius ſcire poterit diligenter inquiras, ſi ſit ad dampn̄ vel ad preiudicium noſtrum vel aliorum ſi concedamus B. qđ ipſe vnum meſuagiū, duas acras terræ, & vnâ acr̃ prati cū pertin̄ in W. dare poſſit et aſſignare cuid̃ capellano diuina ꝓ anima ipſius B. et animab⁹ patris et matris, ac anteceſſ. ſuorum, et omnium fidelium defunctorum in capella beatæ Mariæ de W. vel in eccleſia parochiali beatæ Mariæ de S. ſingulis diebus celebratur̄: Habend̃ et tenend̃ eidem capellano et ſucceſſoribus ſuis capellanis diuina in eccleſia p̄dict', vel in eadem cappella ꝓ animabus p̄d̃ ſingulis dieb⁹, ꝓut p̄dictum eſt, celebratur̄ imperpetuum, necne, & ſi ſit ad dampn̄ vel p̄iudicium nr̄m aut aliorū, tunc ad qđ dampn̄ et qđ p̄iudicium nr̄m, & ad qd' dampn̄ et qđ p̄iudicium alior̄: Et quorū, et qualiter, et quomodo, et de quo, vel de quibus pred' meſuag terra et pratum teneantur, et per qđ ſeruiciū, et qualiter, et quomodo, et quantum valent per ann̄ in oīb⁹ exitibus, iuxta verum valorem eorundem, et qui et quot ſūt medij inter nos et p̄fat̄ B. de meſuag. terra et prato predict̄, et quę terra et q̄ tenem̄ta eidem B. vltra donationem et aſſignation̄ predict̄ remaneant, et vbi, et de quo, vel de quibus tenem̄tur, et per qđ ſeruitiū, et qualiter, et quomodo, et quãtum valeant per ann̄ in omnibus exitib⁹, et ſi terra et tenem̄ta eid̄ B. remanent̄ vltra donationem et aſſignation̄ pred̄ ſufficiant ad conſuetud̃ et ſeruitia tam de pred̄ meſuag. tra, et prato ſic datis, quam de alijs tris et tenem̄tis ſibi retentis, debita faciend̃, et omnia alia et ſingula onera q̄ ſuſtinuit, et ſuſtinere conſueuit, vt in ſectis, viſibus franci pleg. auxilijs, tallagijs, vigilijs, finibus, redemptionibus, amerciamentis, contributionibus, et alijs quibuſcunque oneribus emergentibus ſuſtinend̃. Et quod idem B. in aſſiſis, iuratis, et alijs recognitionibus quibuſcunque poni poſſit, prout ante donationem et aſsignationē predict' poni poſsit, ita qđ patria ꝓ donationem et aſsignationē p̄dict̄ in ipſius B. defectu, magis ſolito non oneretur ſeu grauetur, et inquiſitionem inde diſtinctè et apertè factam nobis in Cancell' noſtra ſub ſigill' tuo et ſigillis eorum, per quos fact̄ fuerit, ſine dilatione mittatis, et hoc breue, Teſte &c.

[illegible]

¶ *Vel sic* - Quod hęredes ipsius B. in ass' iuratis, et alijs recognitionibus quibuscunque poni possint, prout anteceſſores sui ante donationem & assignationem p̄d̄ poni consueuer̄, ita quod patria &c.

¶ Per que appt q̄ il est dam̄ al pais, q̄ vn franke q̄ ad terres sufficient de pass. en ass. et iuries, deuer̄ alien ses terres en Mortmaine, per q̄l alienation ses heirs nauera terres sufficient apres la mort le pere destre iurus in assis. et iuratis &c.

B ¶ Et p̄ le Rule del Regiſter, Si vn Chapleine que est prester, ou feme voile doñ lour terres ou tenẽts en Mortmain, vnt̄ en le br̄e de Ad quod dampnum serra cest clause, Et q̄d̄ ijdem &c. in assisis iuratis, et alijs recognition quibuscunq; poni possint. Per que appiert, q̄ ils deuer̄ aũ terres sufficiẽt ouster le terr̄ discendo a ses heires &c.

C ¶ Et si Chaplein e vn auter lay home alien en Mortmain iointm̄t p̄ licence, donqs le brieue de Ad q̄d̄ dampnum serra en tiel forme. Et quod idem A. et B. et hęr̄ p̄d̄ B. capellani, in assisis, iuratis &c. poni possint, prout idē A. et anteceſſor̄ ipus B. capellani ante donationē &c. poni consueuer̄, ita q̄d̄ patria &c. in ipsius A. et hęred̄ p̄d̄ B. defect' magis solito non oneretur &c.

D ¶ Et si vn Abbe voile doñ tres ou tenem̄ts en Mortmaine a vn Abbe ou Prior, ou corps encorporate, vncore il conient auer licence del Roy de ceo faire, per cause del paroir del statute de Mortmaine, Ita q̄d̄ terr̄ & tenementa ad manum mortuam non deueniant quoquo modo, Et ia il deuer̄ sue vn br̄e de Ad q̄d̄ dāpn̄ denq̄r̄ *vt supra*: Mes en cest brieue cē clause, Et q̄d̄ idē Abbas &c. in ass. et iurat̄ &c. ne cest clause, Ita q̄d̄ patria &c. ne serra mis en cē briefe de Ad q̄d̄ dāpn̄. Mes ore le cōmon experiēce e mañ ē, q̄ ils ne voil̄ suer alc̄ tiel br̄e de Ad q̄d̄ dampn̄, q̄n̄t ils purchase licence de alien̄ en Mortmain, Mes le vse est dauer ceux poir en le patent le Roy fait del licence en le fine del patent, At hoc absque aliquo br̄i de Ad q̄d̄ dampnum, seu aliquibus alijs br̄ib⁹, inq̄sitionibus, aut mandatis n̄ris supinde habend̄ et p̄sequend̄. Mes il semble q̄ ceux patēts sont en aſcun maner doubtuous, ils soiēt effectual sil soit euidētly enapres proue que tiels patents soient en dam̄ as auters, q̄ux soient tenants le roy, e per queux tenants le roy auer̄ le garde e escheats &c. e per q̄ux patents le roy deuer̄ p̄d̄ le garď de ceux dits tenāts enap̄s, e ou le roy perď le auan-

tage

tage ꝛ il poit aū, ſi tiels licences ne fuer̃ faits ꝛc. Et pur ceo ieo penſe, q̃ le melioꝛ voy eſt de ſuer tiels bꝛiefes de Ad qd̃ dampn̄, denq̃r a quel dam̃ tiel grant de licẽce en Moꝛtmain ſerra al Roy, ou as auters, iſſint q̃ le roy ne ſerra diſceiue en ſ̃ grant. ℂ Et vide bon cas de ꝛ en title de Grant, en les Abridgem̃ts, Hill' 16. E. 3.

℄ Et auk̃ foꝛme de bꝛiefe de Ad qd̃ dampnū, denq̃rer ſil ſoit al dam̃ ꝛc. Si le roy graunt a vn B. que il puit doñ v. meales ꝛc. a vn C. gardein dl Chapel de nr̃e Dame ſaint Marie, ꝛ a ſes ſucceſſoꝛs chapleins et gardens del Chapel auantdit, al ſuſtenance le dit gardein ꝛ deux chapleins ſeaſant diuine ſeruices en le dit chapel, ꝛ en leſgliſe de P. ꝛc. en le honoꝛ ꝛc. et pur laime ꝛc. A

℄ Et ſi le roy voil̃ grant licence a vn de grank̃ certaine rent a vn Abbe et a ſes ſucceſſoꝛs, vnk̃ il coueit̃ ſuer bꝛiefe de Ad qd̃ dampnum, ſil nad ceux paroix en le patẽt d̃ licẽce. Et hocabſq; aliquo bꝛi de Ad qd̃ dampnum &c. ꝛ le foꝛm̃ del bꝛief eſt tiel. ¶ Si concedamus eid' A. qd' ipſe cent̃ marc' red-ditus cum pertiñ in N dare poſſit et aſſignare dilictis nobis in xp̃o Abbati et Conuentui de N. ac Priori et Monachis in prioratu ſancti Iacobi Briſtoll', quæ eſt cella eiuſdem Abbatis cõmorantibus, ad inuenien̄ duos capell' &c. in eccl'a priorat⁹ predict̃, tenẽd' eiſd̃ Abbati et conuentui ac Prior̃ & Monachis in dicto prioratu cõmorantibus et ſucceſſoribus ſuis, ad inneniend̄ duos capellanos &c. in eccleſia prioratus predicti, vt p̄d'eſt, ſingulis diebus celebratur̃ imperpetuū necne. Et ſi ſit ad dampn̄ &c. ad qd̃ dampn̄ &c. et de quo, vel de quibus p̄d̃ redditus teneatur, et per qd' ſeruic' & qualiter, et quo modo, et qui, et quot ſunt medij, vt in primo bꝛi. Et non dicit̃ in bꝛi quantū valet pe annū, quia redditus nō debet extendi. B

℄ Et ſi hõe ſue al Roy dauer licence, q̃ il puit donoꝛ vn aduoẅſon a cert̃ Chapleins, ꝛ a lour ſuck̃, a teñ en ꝓpꝛer vſe, ꝛ q̃ ils poient teñ cel a eux appꝛopꝛies et a lour ſuck̃ a touts tours a chank̃ diuine ſeruice ꝛc. il añ a bꝛiefe de Ad quod dãpn̄, denquir̃ a q̃l dam̃ ceſt grant ſerra al roy ou as auters ꝛc. et ceſt bꝛief appiert en le Regiſter. C

℄ Et ẽ le bꝛe de Ad qd̃ dãpn̄, il content reherſ. le ſubſtãs del matk̃ erꝛeſſe en le grant del licence de Moꝛtmaine. D

℄ Et ſi hõe voil̃ eſchanger ꝛre ou tenemt, ou rent, oue Abbe, ou auk̃ coꝛps coꝛpoꝛat, il coueit ſuer bꝛiefe de Ad quod dampnum ſur le graunt de licence, et en le bꝛiefe E

il

Caunt ſy tenoyd wt abody gooding

il doit reherc̃ les ambideux terres q̃ ſerra done & pꝛiſe en eſchange, et denquir̃ *vt ſupra*, de ceux &c.

F ¶ Et eſt aut̃ man̄ forꝛm̃ de Ad qd̃ dãpn̄, lou le roy grant licence a vn Abbe ou Pꝛioꝛ a purchaſer xx.l. de tre, & puis vn home voille doñ al dit Abbe tre al value de v.l. et autre hõe voille doñ tre a luy al value de xl s. aut̃ home voit doñ terre al value de xx.s. al dit Abbe, oꝛe le forme del bꝛief de Ad quod dampn̄ ſerra tiel. q Rex Eſchaetori &c. Præc' tibi &c. ſi ſit ad dampnum &c. ſi concedamus A. quod ipſe vnum meſ. et centum acr̃ terr̃ in N.B. de C. qd̃ ipſe vnum meſuag. et xl. acr̃ terr̃ cum pertin̄ in eadẽ villa, E. de F. quod ipſe xxx. acr̃ terr̃ in eadẽ villa dare poſſint, et aſſignar̃ dilectis nobis in xp̃o &c. habend̃ ſibi et ſucceſſor̃ ſuis in ptem ſatisfactiõn̄ xx.l terrarum et redditum per ann̄, quas dñs Edwardus nuper Rex Angl' auus noſter per literas ſuas patentes eiſdem Abbat̃ et Cõuentui, tam de feodo ſuo proprio quã alieno, exceptis terris et tẽntis quæ de ipſo auo nr̃o tenebant̃ in capite conceſſit, acqirend̃, et etiam I. de N. quod ipſe vnum meſuag. cum pertineñ in eadem villa dare poſſit et aſſignar̃ eiſd' Abbati et Conuentui, habend̃ et tenend̃ ſibi et ſucceſſoribꝫ ſuis imperpetuum in exchãbiũ, p̃ vno meſuag. in eadem villa eidẽ I. de N. per p̃d̃ Abbat̃ et Conuent̃ dandis et cõcedend̃, habend̃ et tenend̃ eidem I. de N. et hær̃ ſuis in exchãbium p̃dict̃, ſicut p̃d' eſt imperpetuum necne, et ſi ſit &c. *vt ſupra*. Et p cẽ bꝛieue appt q̃ il puit aũ vn bꝛieue pur plusoꝛs diuers purchaſ. deſtre fait.

G ¶ Et aury q̃ vn licence fait a vn abbe en tẽps de vn roy eſt bone pur purchaſe terres per ceſt geaunt de licence en temps dauter Roy.

H ¶ Et eſt aut̃ bꝛief de Ad qd̃ dampn̄, lou le roy grant licence al vn Abbe ou Eueſqꝫ de purchaſ. aduowſon, et de ceo appꝛoper a luy e a ſes ſucceſſ. a touts tours.

to impropriat aue ceo aduowſon

¶ Et aut̃ bꝛief de Ad quod dampn̄, lou le roy grant al Abbe ou Eueſqꝫ licence de appꝛopꝛier aduowſon, de que ils ſont ſeiſies en fee en iour dꝛoit demeſne.

¶ Per q̃ appt, que Eueſqꝫ ne Abbe ne puit appꝛopier aduowſon de que ils ſont ſeiſies en fee ſans licence le Roy, et ſils font il eſt forfait pur le Mortmaine.

I ¶ Et ſi Abbe tient de auter hõe per cerk rẽt ſeruice, oꝛe le ſeignioꝛ ne poit releaſe al Abbe ceſt rent ſans licence le Roy, & ſil fait, ceo eſt Mortmaine, & le roy aũa ceſt rent, et pur ceo eſt vn bꝛief de Ad quod dampnum oꝛdeñ, que lou le

releaſe vaut to a Religious mans le Roy ne poit

Eccleſiæ dare ſine licentia

le seignior ad licence de releaser cē rent al Abbe, de enquir̄ a q̄l dam̄ &c. come serra fait del terre.

¶ Et auter forme de Ad qd' dampnum, lou le roy done licence de aliener terre & advowson q̄ sont tenus de luy en chiefe a vn Abbe, a q̄ il cux appropzier &c. A

¶ Et auk forme de bzief, lou le roy grant licence a vn de aliek cerk terre, & vn reūr de auter terre a vn chaplein en Mortmaine. ¶ Et si villein dū Abbe ou Pzior purchase tres ou tenūts en fee, Labbe ou Pzior ne puit ent en yceux sans licence le roy, & sil fait, ceo est Mortmaine. B

¶ Et per ē appiert, q̄ le ley serra tiel, p̄ ceo q̄ ē vn bzief de Ad qd' dampn̄ en le Registre, de enquer̄ a quel dam̄ &c. si le Roy grant tiel licence al Abbe ou Evesque ou Pzior, que ils potent ent̄ en tiels terre ou tenem̄ts q̄ lour villeins ont purchase &c.

¶ Et vide lestat̄ de Religiosis, coūt cest case serra pzise destre deins les poir del statute, ou per lequitie del statute C

¶ Et appt per les diuers formes des bziefs de Ad qd' dampnum, q̄ux sont en le Registre, que cest bziefe couient estre fait accordant al letr̄s patents de licence, p̄ ceo que il couient rehercer leffect des letters en yceux, Et pur ceo les formes des bzieles de Ad qd' dampnū varier̄, come les letters patents de licence varier̄ en soy mesmes.

¶ Et appt p̄ le Registre, Si hōe purch. letr̄es patēts de licēce de doñ tres al Abbe en eschange pur rent, q̄ Labbe release a luy &c. q̄ il aūa bziefe de Ad qd' dampñ sur cest &c. D

¶ Et si hōe purchase letters patents de licēce de founder vn meason de frers, ou de faire vn Pzebendē, & de doñ terres a ceux &c. que il couient auer vn bzief agardē de Ad qd' dampñ &c. sur cest. E

¶ Et si hōe deuise terres ou rents a ses executors, & a lour heires, a disposer a sa volunt, & puis fait volunt, que ils donera ceo en Mortmaine, ilz couient auer licence per letters patents de Roy de ceo faire, & bzief de Ad qd' dāpñ sur ceo, come appiert per le Registre.

¶ Et si Labbe, ou Deane & Chapter ont vn rent ē fee issuant de certain tre, & le tenant del terre voit graunter a eux p̄ son fait, q̄ ils & lour success. distr̄ pur cest rent en auter terre: Et ore appiert per le Registre, q̄ il couient aū licēce, de Roy de faire tiel graunt, & q̄ vn bzief de Ad quod dampnum serra graunt en tiel case denquirer al quel dammage pu preiudice cest graunt serra al Roy, ou as auters &c.

Et

Et vñ ceo est fort a prouer, coñt ceo serra pris deins les poiz del stat de Mortmaine, mes pur ceo q̃ tiel graunt est bon grãt de rent en fee, coñt q̃ ne fuit aſſ̃ tiel rent anãt en droit al Abbe, ou al Deane & Chapiter, il sẽble q̃ cest grant fait sauns ascun licence serra pris come vn nouel graunt en ley &c. Tamen quære.

℣ ¶ Et est auſ̃ mañ de briefe de Ad qd̃ dãpn̄, & ſ̃ est ou le roy voile alien les t̃res, q̃r il tient de roy a vn auſ̃ en fee ou en taile, ou a t̃me de vie, donq̃s il couient aũ p loyer del ley vn licence de roy per ſes lett̃s patents de ſ̃ faire, et deuant q̃ cest alienaſ̃ serra fait, le roy couiẽt destre certifie p brief de Ad qd' dãpn̄ ret̃ & agard̄ deuant sur ſ̃, dencr a q̃l dam̃ ou p̃iudice cẽ alienaſ̃ serra al roy. Mes a cest iour cẽ brief nẽ vse destre grãt, mes solem̃t le licence del grant de alien̄, sans agard̄ ascun brief de Ad qd̃ dampnũ denquis̄ de ceo. Mez vñ tiel grant de licence ne serra allow̄ deuãt les Justices &c. quant il est monstre, sans porter brief del Chãcery as Justices, q̃ est appel, Quod permittat &c. Qd̃ vide M. 33. H. 6. en title de Fines et le forme de briefe de Ad quod dampn̄ est tiel.

¶ Rex Eſchaetori &c. Præcipimus &c. inquiſ̃, ſi ſit ad dãpnum vel preiudicium &c. Si concedamus I. quod ipſe de manerio ſuo de N. cum pertiñ, quod de nobis tenetur in capite vt dicitur, feoffare poſsit P. habendum et tenend' ſibi et hæredibus ſuis de nobis et hęredibus noſtr̃, per ſeruitia inde debita et conſuet̃ imperpetuum necne. Et ſi ſit ad dãpn̄ vel preiudicium noſtrum aut aliorum &c. Et quod p̃iudiciũ aliorum, et quorũ, et qualiter, et quo modo. Et ſi maner̃ p̃d̃ teneatur de nobis in Capite, vt predict̃ eſt, an de alio. Et ſi de nobis, tunc per qd̃ ſeruitiũ, et qualiter, et quomodo, et quãtum p̃d̃ maner̃ valeat per ann̄ in oĩbus exitibus iuxta verũ valorem eiuſdẽ. Et ſi quæ terræ et tenem̃ta remaneant eid̃ I. vltra menerium qd', tunc q̃ t̃ræ et ten̄ta, et vbi, et de quo, vel de quib⁹ teneantur, vtrũ videlicet de nobis, an de alio, et ſi de nobis, tunc p̃ p̃d' ſeruic', et qualit̃, et quomodo. Et ſi de alio, tunc de quo vel de quib⁹, et per qd' ſeruic', & qualiter, et quomodo, et quantum valeat per annũ in oĩbus exitibus. Et inquiſitionem inde diſtinctè et apertè &c.

¶ Et ſi roy voile graunter licence a ſon tenant q̃ tient de luy en chiefe, de alien̄ a vn en fee, et de prender eſtate a luy et a ſa feme, et a les heires de lour ỹ. corps engendrés de m̃ lalienæ, et pur default de tiel iſſue le ten̄ a vn auter per:

ſon en fee taile, et pur dek. de tiel iſſue le rem̃ as dēt hēes le ptiñ doñ: il en cē cas añ a bziek de Ad qđ dampnū &c. denqueē &c. & vnē tiels bziefs ne ſont vſes deſtre ſues ſur tiel graunt del licence. ¶ Et eſt auē bziefe en le Regiſter, ſou le k de roy ad licence de alien ſes tres, des queux vn fem̃ tient pcel en dower pur term̃ de ſa vie, & vne auē tient auē pcel pur terme de ſa vie, et il m̃ tient le reſidue en fee: oze il añ a bziek de Ad qđ dampñ reherſant touts ceux eſtates en le grant de licence. A

¶ Si k le roy grant les k̄res a vn a term̃ de vie, & puis grant le reuerē a vn D. en fee, & puis le dit D. deuy & ſon heire grant le reuerſ. a vn R. & W. en fee, & puis le dit R. et W. grant le reuerē a vn M. a terme de vie, & touts ceux grāts fueē ſans licence fait, & puis M. fuit dañ licence, q̄ il poet enter en les terres aps la mozt le ptiñ k a terme de vie, oze il añ a pmes tiel bziek de Ad qđ dampnū de enqueē &c. le q̄l bziefe ſerra tiel. B

¶ Rex dilecto clerico ſuo F. de C. Eſchaetori ſuo in comitatu C. ſal. Supplicauit M. vt cum A. dudum conceſſiſſet qđ vnū meſ. cum ptiñ in N qđ de nobis tenet̄ in capite vt dicitur, & quod I. & B. vxor eius tenēt ad vitam ipſius B. ex dimiſſione p̄d A. quod etiā poſt mortē ipſius B. ad pref. A. & hered ſuos reuerti deberet poſt mortem eiuſdem B. D. et hær ſuis remaneret, ac F filiꝰ & heredes ipſius D. vlterius conceſſ. qđ meſ. p̄d cū ptiñ, qđ ad ipſū F. & hæredes ſuos ratione conceſſionis & attornamti ſibi in hac parte fact̄ poſt mortē eiuſdem B. reuerti deberet, poſt mortē ipſius B. R. & W. & hæred ſuis remaneret, ijdemq; R. et W. conceſſiſſent, qđ meſ. p̄d cū ptiñ qđ ad ipſos R. & W. & hær ſuos rat̄ conceſſ. & attorñ p̄d ſibi de premiſſ. fact̄ poſt mortem ipſius B. reuerti deberet, poſt mortem eiuſdē B. p̄f. M. ad totam vitam ſuam remaner̄, ita qđ poſt mortē ipſius M. meſ. illud cū ptiñ poſt mortem ipſius B. K. & hæred ipſius K. remaneret licentia noſtra ſuper hoc non obtenta, velimꝰ cōcedere eidem M. quod ipſa meſ. illud cum ptiñ poſt mortem ipſius B. ingredi poſſit & tenere ad totam vitam ſuam de nobis & hæredibus nr̄is p ſeruicia inde debita & conſueta, ita quod poſt mortem ipſius M. pred meſ. cum ptiñ pref. K. & hæredibus ipſius K. remaneat, tenend' de nobis & hær̄ noſtris per ſeruitium ſupradict̄ imperpetuum: Nos per vos certiorari volentes, ſi abſq; damno & preiudicio noſtri aut alterius cuiuſcunque ſupplicationi pred' annuer̄ valeamus in hac parte, vobis mandamus quod per ſacramentum &c.

vt supra vsque ibi, aut aliorum si concedamus ꝑf. M. qđ̄ ipsa mes. p̄dict̄ cū pertiñ post mortem ips̄ B. ingredi et tenere possit in forma p̄dict̄, necne. Et si &c. *vt supra.*

¶ Et p ceo appiert q̄ Ad qđ dampñ serra ag. lou le Roy grank licence a vn dentrer en le terre, le quel le roy poit leiser pur liñ pur cause de alienation.

¶ Et auxy appt p le brief, q̄ vn p̄ster, s. vn chaplein fuit dongz Eschetor del com̄ &c.

C ¶ Et si B. f le roy alien en fee a vn A. & puis le dit A. dōe les tres arere al dit B. & C. sa fēe en tail, & puis A. deuie, & puis B. mor̄ sans hēre de s̄ corps, & puis D. frere et heire le dit A. reſ tout s̄ dēt ē le dit tre al C. q̄ fuit la fēe B. en B. sans licence le roy: ore si le roy voit ꝑdoñ cē trās p̄ fet de cē reſ, vn brief de Ad qđ dāpñ serra ag. denqrer a q̄l dam̄ ou preiudice t̄ serra al roy &c. Et cē brief appt per le Regist. mes tiels briefes ne sont vses deste sue a cest iour, mes tiels ꝑdoñ sont allowes pur le t̄ del tre sans suer alt̄ tiel brief de Ad qđ dampnū &c. mes vnt̄ si le roy soit damnifie pur alt̄ tiel pardon en ascū point de q̄ il ne auer notice, si ceo auoid le pardone ou nient, Quere.

D ¶ Et si le roy voit grank a vn de faire vn fosse en s̄ pp soile de certaine longure & lature al stang le roy adioiñt de traher le ew de stang p le dit fosse a son molin, rendt al roy annualm̄t et a ses heires cert̄ rent p cest, ore vn brief de Ad qđ dāpñ serra ag. denqrer a q̄l dam̄ &c. t̄ serra al roy, et le brief reherser le grant & le rent reserues &c.

E ¶ Et si soit vn ancient trench ou fosse venant del mer a vn ville, p q̄ battailes et vessels vsent passe al dit ville: ore si ceo soit estoppe ē alt̄ pt p le outrage del mer, & hōe voit suer al roy de faire nouel trench & destop p la ancient trench &c. ils couient prim̄ dam̄ sue brief de Ad qđ dampnū denqrer a q̄l dam̄ il serra al roy ou as auters.

F ¶ Et si le roy voit graunt al alt̄ citie a ll. de pane & cervoice & a lour suc̄, a le gard de custodie de weightes et measures, Ad qđ dāpñ serra prinies ag̃ et qñt t̄ est certifie, dongz de faire le grant.

¶ Et appt p le Regist. q̄ sur chest grāt destre fait p le roy de tres ou tenemts, ou de liberte, ou de ank chos, q̄ brief de Ad qđ dāpñ serra prinez direct al eschetor ou al vic̄ denqrer a q̄l damage ceo serra al roy ou auks &c. Et en ceux briefs en le Register appiert notable forme des graunts le roy en diuers maners destre faits, car en chest̄ bōe le le

mañ del grant le roy, et leffect de icel eſt ſpecifie et reherſe en m̃ le bꝛief de Ad qđ dampn̄. ¶ Et ſi hõe voit̃ doñ t̃res al roy en fee, al intent que le roy doñ eux al meaſon de relig̃ gion, & vncoꝛe vn bꝛief de Ad qđ dampn̄ fuit diꝛect al eſche: toꝛ, denqꝛer a q̃l dam̃ le roy ou de aũ̄s &c. ceo ſerroit ſi le roy accept ceux terres de feoffm̃t laũt home, & eux doñ al meaſon de relig. &c. A

¶ Et ſi le roy ſeiſiſt t̃res alienz en Moꝛtm̃, et puiz ceux voile done arere al abbe &c. en fee, vncoꝛe vn bꝛief de Ad qđ dampn̄ ſoꝛt ag. denqꝛer a q̃l dam̃ &c. B

¶ Et iſſint ſi abbe p̃chas t̃res en fee ſans licence, & puiz le roy voile pdon luy ceſt purchaſe, & q̃ il poit reteign̄ ceux terres, vn̄ bꝛief de Ad qđ dap̄n̄ giſt denqꝛer &c.

¶ Et ſi f̃ le roy alien ſans licence, p q̃ le roy ſeiſ. la t̃re, oꝛe ſi le roy voile luy reſtoꝛer & pdõ le trñs, vn̄ bꝛief de ad Ad qđ dap̄n̄ fra agard denqꝛer a q̃l dam̃ de roy &c. ſil ſerra tiel grant, mes ceo neſt vſe a ceſt tour, mes de faire fin̄, et ſur ceo licence dentre &c. ſans ſuer tiel bꝛiefe.

¶ Et ſi le roy ſoit ſeiſ, & le meſn̄ eſt le f̃, & le f̃ tient del meſ: ne per homage et xx. s. et le meſne tient ouſter de roy en chief, et puis le meſne reſ al teñt pauail̃ touts les xx. s. a teñ p homage et vn denier de rent de luy & ſes heires ſans licence de roy, oꝛe le Roy puit ſeiſier ceux ſeruic̃ &c. Et ſil voile faire reſtitution al teñt pauail̃ per ſon grant &c. vn Ad quod dampn̄ ſerra grant denquirer a q̃l dam̃ &c.

¶ Et appt p le Regiſt. q̃ ſi f̃ le roy entruꝺ en ſes terres ap̃ & la moꝛt ſ̃ ant̃ ſans ſuer liuery &c. q̃ ſi le roy voil̃ pdon luy ceſt in:ruſion, q̃ pꝛimes bꝛiefe de Ad qđ dap̄n̄ ſerra a: gard denqꝛer a q̃l dam̃ del roy tiel pdon ſerra &c. D

¶ Et ſi vn foꝛeſt de fee del foꝛeſt le roy, q̃ tient cẽ office ꝺ̃ roy voile grant ceſt office a vn aut̃ en fee, il couient aũ̄ li: cence de roy de ceo faire, & deuant q̃ tiel licence ſerra grãt, bꝛiefe de Ad qđ dap̄n̄ ſerra grant denqꝛer a q̃l dam̃ de roy &c. ceo licence ſerra &c. E

¶ Et iſſint ſi le roy voile grãt licence a vn de ſuccio ſez arbꝛes en ſ̃ bois deins le foꝛeſt, & de faire aſſert̃ a cẽ bois, ou de mitter ceo en tillage, vn bꝛiefe de Ad qđ dap̄n̄ ſerra agard en tiel caſe, come appiert per le Regiſter. F

¶ Et ſi le roy voile doñ pcel de ſ̃ waſt deins ſ̃ foꝛeſt a vn auter in fee, renꝺ a luy certain rent, & q̃ le ſeffee poet en: cloſ. cẽ oue vn foſſ. et hey &c. oꝛe vn Ad qđ dap̄n̄ ſerra agard denquirer a q̃l dam̃ ceo grant &c, ſerra al roy &c. G

¶ Et sil voit lesſ.ẽ a termñ des ans,rendõ rent &c.vncore tiel briefe de Ad qđ dampñ &c. serra direct al grade in del fo-rest,denqrer a qi damñ de roy &c.& de s̃ forest tiel lesſ fra &c.

¶ Et si le roy voit grant pcel de son frank chase a vn ẽ fee,rendõ rent,& q̃ il poet enclose cest oue foss. & hay &c. ore ẽtain cõmiss. serra direct a certaine plons denquirer &c.a qi damñ de roy &c. tiel grant serra &c. Et sur ẽ vn briefe serra direct de retornñ enqst & panel deuant ceux cõmissionñs a certain iour assignñ p mñs les cõmissiõs,& les cõmissioners serra vn p̃cept al vic̃ de ceo faire &c. & ẽ deuant eux al iour p eux donñ & appoint per lour precept.

¶ Et ore il appiert p ceux briefes en le Regiſter,q̃ le vse fuit dancie̅ tẽps sur chesc̃ grant, leas, rel̃ ou confirmac̃, ou licence del̃ fait p le roy,q̃ primes vn bc̃ de Ad qđ dãpñ serra agard denqrer de tout la veritie & circumstance del ceo,& qi damñ ou p̃iudice le roy prend̃ per cest,& sur ceo inquisic̃ certifie & rel̃ de faire les grants,ou rel̃,ou cõfirmation,ou licence,mez ore lexperience est vse al contrary,mes en patẽts de grant ils vse de mitt̃ en le fin̄ del patẽt ceux paroix: Et hoc absque aliquo breui de ad qđ dampnum,seu aliquibus alijs breuibus siue inqsitionibus aut mandatis supinde habẽđ,fiend̃, aut ꝓsequend̃ &c. Mes en patents dl licence,ou en patent de rel̃, ou confirmation fait p le Roy, ceux parols,absque aliquo breui de Ad qđ dampñ &c. ne sont mis en escript ẽ iceux patents del rel̃ ou confirmatiõ, mes vnt̃ pur cause del aunt̃ fezme & Cours del Regiſter, il semble q̃ les patents fuer̃ le meliours, si ceux parols, Et hoc absque aliquo breui de Ad qđ dãpñ &c. fuer̃ mis en mñs les patents. Quere de rigore iuris, q̃ serra fait en ceux cases,lou les patents faut ceux parols &c.

141 ¶ Briefe de essendi quietum de Toloneo.

¶ BRief del̃ quiet de toll̃ gist en cas ou le citizens ou burgeis dal̃ citie ou bozrough ont el̃ quiet de toll̃ p grãt des ꝓgenitozs le roy per tout le realm, ou per prescriptiõ, dongz sils des dits cities, ou al̃ home des dits cities ou bozrough beign̄ oue les merchand̄ a al̃ ville, fair̃, ou market,& la eux mitter a vend̄, ou achat̄ al̃ m̃chandises, si les officers del dit vill̃ voile demaund̄ ascũ toll̃ de luy enconter le charter le roy, ou encounter lusage & custome, dongz il poet suer & auer tiel briefe.

¶ Rex

¶ Rex balliuis suis de I saluẽ. Cum p̃ charẽ nostram conceſſerimus burgenſ. vill' nostræ de S. qđ ipsi & eorũ hæred̃ ac succeſſ. burgenſ. eiusdem villę imperpetuum sint quiet̃ de toloneo per totũ regnũ nr̃um et poteſtatem nr̃am, vobis p̃cipim⁹, quod ipsos burgenses de toloneo vobis in villa nr̃a p̃d̃ prestando q̃etos esse permittatis, iuxta tenorem charte nr̃æ p̃d̃, ipsos contra tenorẽ eiusd̃ non moleſtant̃ in aliquo ſeu grauantes, Teſte &c.

¶ Et sur ẽ il poet aũ Al' ⁊ Pluẽ ⁊ Attach. vers les baillies, ou ceux que luy greue encontre le forme de ceo chẽe, et le Pluẽ est retornable en banke le roy, ou en comen bank al volunt cesty q̃ voet ceo auer, ⁊ en cest brieue serra mis cest clause, Vel causam nobis signific' &c. B

¶ Et si le grant desd̃ quite de toll' soet de grant des pgenitors le roy, donqs le forme del brieue est. C

¶ Rex balliuis I. de E. salutem. Cum inter ceteras libertat̃ burgenſibus villæ nostræ de C. per chartam progenitorum nostrorum quõd̃ regum Angl' conceſſas, conceſſũ sit eisdẽ, qđ ipse & hæredes sui imperpet̃ sint quieti de toloneo p̃ totũ regum nr̃um, quas quid̃ cartas p̃ cartam nr̃am iam confirmauim⁹, & insuper conceſſimus eisd̃, qđ licet ipsi aliqua vel aliquibus libertatum et quietantiarum in eisdem charẽ contenẽ hactenus plene vsi non fuerint, ipsi tamen hæred̃ & succeſſores sui libertatibus, et quietantijs p̃dict̃ et earũ qualibet de cætero absq; inquietatione vel impedimento gaudeant & vtantur, vobis p̃cipimus &c. *vt ſ.* Mes cest darrein clause ne serra express.ẽ le brief, sinon q̃ le roy ad fait a cux tiel confirmat̃.

¶ Et sur ẽ il poet suer Al' ⁊ Pluẽ ⁊ Attach. si mestier soit vers ceux que prist le toll' &c. D

¶ Et autiel brieue poit estre fait p̃ ceux que denet̃ estre quite de murage, pãnage, piccage, lastage, passage, ⁊ autiels sẽbles, sils soient greues ou disturbes &c. ¶ Et appiert p brief en le Regiſter, q̃ le roy Ed. le prim̃ graunt as merchants estrang. ⁊ as aliens, q̃ ils serõt q̃tes de murage, pãnage, et pontage &c. ore sils sont greues ⁊ disturbes p̃ cel, ils aũa tiel brief. ¶ Rex collectoribus muragij, pannagij, et pontagij in villa de S. saluẽ. Cum p̃ p̃ſtationibus & cuſtum̃ nobis per mercat̃ extraneos & aliẽigenas de bonis & mercimonijs suis infra regum nr̃um adductis, p̃ charẽ celebris memoriæ dñi E. quondam regis Angliæ aui nostri, quam inſpeximus conceſſum sit eisdem, quod ipsi saluo & ſecure in

regnū & potestatem nostrum veniāt cū merchandisis suis qbuscunq; de muragio, pānagio, & pōtagio liberi & qeti, prout in cart' p̄d' plenius continet: vobis mand', qd' B. & socios suos mercator' de societat' ibandor' alienigenas de muragio, pannagio, & pontagio in villa pred' prestand' quietos esse pmitt', iuxta tenorē cartæ pred' ipos cont' tenorem eiusd' nō molestantes in aliquo seu grauantes, & districtiōn si eis ea occasione feceritis, sine dilatione relaxetis eisd', si quid ab eis a xx. die Augusti an̄ &c. ea occasione leuaueritis, id eis sine dilatione restituatis T. &c.

E ¶ Et lou ale̅ city ou bozough deuer̄ estre quite d̄ toll' p̄ lour merchand̄ q̄ ils achat̄ en aut̄ vill' ou lieu, si ascun deux sont compelles de pater toll, tout cel cozporation poit suer ce̅ bziet p lour nosme de cozporat̄ & Al' & Plur̄ sur ce̅, & Attach si mestier soit oue ceux poir ē le fin̄ del bziet: Et districtiōn si quam eis ea occasione fecerit̄ &c *vt supra*.

F ¶ Et semble bre̅ poit hōe au̅ vers ceux q̄ luy voile compell' de pater certain summe al reparation dascun pont, de quel il deuer estre quite &c.

¶ Et appt p le Regist̄, q̄ espiritual plons & religious deuer̄ estre quite de toll' & custome, murage, & pontage, et pannage, & tiels sembles pur lour bīs, & ūls sont greues pur pater ceux, ils aūa tiels bzieles.

¶ Rex balliuis suis de B. salutē. Cum per'onæ eccleſiasticæ scd'm consuetudinē hactenꝰ in regno nostro vsitatam & approbatam ad toloneum, pannagium, & muragium de bonis suis eccleſiasticis alicubi in eodem regn̄ prestand' nullaten̄ teneant̄, vobis precipimus, quod R. persona̅ eccleſiæ de E. ad toloneum, pannagium, seu muragium de bonis suis eccleſiasticis vobis in vill' nostra p̄d' prestand' non distringatis contra consuetud' pred', dū tn̄ merchandisas aliquas non exerceant de eisd', & districtionem si quā &c. *vt supra*. Mes Herle Justice dit, que ceux parols, Dum tamen merchandisas aliquas &c. sont de nul effect, pur ceo que per son opinion ils aiera quite pur touts choses, com̄t q̄ ils merchandise &c. Mes oze le statute le roy H. le 8. voit, q̄ ils ne merchandiser̄ &c.

¶ Et cest auter fozme de bziet pur espiritual persons en tiel fozme.

¶ Cum scd'm consuetud' &c. obtentam persona̅ eccleſiasticæ ad toloneum aliquod seu aliam custumā de bonis suis eccleſiasticis, vel de alijs pro sustentatione sua emptis prestare

stare non debeant, vobis precipimus, quod A. persoñ &c. ad toloneum aliquod vel aliam custumam de bonis suis ecclesiasticis venditis seu de alijs pro sustentatioñ sua ibidem empt̄, nullatenus distringatis contra cons. p̄d̄ et districtioñ &c. *vt supra.*

¶ Per q̄ux bzieks appt, coñt ꝑsons espzituals serra discharges de ceux tolls & impositions & exactions pur lour bñs q̄ ils venḍ ou achate pur lour sustenance &c.

¶ Tenants danc̄ demesne deuec̄ ꝑ le custome del realm destre q̄t de toll &c. en chesc̄ mket, faire, & bill & citie p tout le realm, et sur ceo chesc̄ ḍ eux poit suer daũ letters patēts desouth l' seal le roy a chesc̄ dez officers le roy, & as maires, bail' &c. et le sozme des letters patents est tiel.

¶ Rex vniuersis ball' & ministris vnbicunque infra regnũ nr̄um Angl' constitutis sal'. Cum secḋm cons. &c. *vt s.* per totũ regnũ nr̄um, vobis mandamus, qḋ hoēs de manerio nr̄o de S. si id' manēt de antiquo dñico coronę Angliæ sit, ad toloneũ vobis &c. iuxta cons. predḋ, et districtioñ si &c. In cuius &c. Teste &c.

¶ Et auxp le ks dancient dem̄ potent auer bzief direct as bailifes ou maire ou auters queux voil' eux compell' de pater toll, que ils eux sufker daler quit &c. & le sozm̄ del bzief est tiel.

¶ Rex balliuis A. de I. salutem. Cum secundum consuetudinem regni nostri hactenus obtentam & approbatam, homines & tenentes de antiquo dominico coronæ Angliæ quieti sint & esse debeant à ꝑstatione tolonei per totũ regnum nostrum, vos nihilominus homines & tenētes de manerio de S. quod est de antiquo dominico coroñ Angliæ, vt dic', ad toloneũ vobis de boñ & rebus suis in eadē villa prestandḋ grauit̄ distringit̄, et ipsos ea occasione multiplicter inquietatis, minus iustè, ad graue dampnum ipsorum hominũ et tenent̄, et contra cons. p̄dict̄ sicut ex q̄rela sua accepim⁹, et quia eisdē hominibus et tenentib⁹ iniuriari nolumus in hac parte, vobis præcipimus quod si ita est, tunc ad hm̄di districtionibus et inquietationibus eisdem hominibus et tenentibus ea occasione de cętero inferendḋ desistentes, ipsos de hm̄di toloneo vobis de bonis & rebus suis p̄dict̄ in eadē villa prestand' quietos esse permittatis, iuxta cons. predict̄, et districtionem si quam &c. pred' &c.

¶ Et per cest bzief auant dit appiert, que tenants danciēt demesne serra quites de toll' &c. sibien ceux tenāts que

teigñ del mañ daunc demeſne, quel mañ eſt en ſeiſin & poſſ. dauc̃ home q̃ del roy, come les ẽs dauc̃ demeſne, q̃ux teigñ del mañ daunc̃ demeſne q̃ eſt ẽ mains & poſſ. le roy.

¶ Et appt auxy q̃ ils ſerra quiet̃ del toll̃ pur lour bñs & chateux, q̃ux ils m̃chandiſe oue auters, ſibñ come pur lour auc̃s bñs, car le bꝛiefe eſt geñal, pro bonis et rebus ſuis &c.

B ¶ Et auxy appt que ceſt bꝛief poit eſtre ſue pur toutz lez ẽs daunc̃ dem̃ ſicome vn Monſtrauer̃ ſerra ſue.

¶ Et auxy chaſc̃ ſingular perſon q̃ eſt greue poit ſuer tiel bꝛief en ſon noſm̃ dem̃, ſil voile.

¶ Et auxy le ſñr daunc̃ dem̃ m̃ ſerra ſibien quite del toll̃ p tout le realme come les tenaunts dauncient dem̃ ſerr̃, et ceo appiert p le bꝛief en le Regiſter de attachment ſue pur le ſñr del mañ vꝰs les bail̃ de C. p ceo q̃ ils pꝛiſt toll̃ vꝰ luy. Et ils ne ſerr̃ ſolem̃t quite de toll̃, mes auxy quite de pontage, paſſage, & tiels ſembles.

C ¶ Et auxy ils ne ſerra contributaries as expẽſ. d̃ chiꝛrs. Et ſi le vic̃ voill̃ diſtr̃ eux ou alcun de eux deſtre contribut̃ pur lour t̃res en aunc̃ demeſne: donqꝫ ils poiẽt ſuer̃ vn bꝛief direct al vic̃, luy commandꝰ, q̃ il ne compel eux diſtr̃ contributoꝛie as expenſ. des chiꝛrs &c. & luy commaundꝰ en m̃ le bꝛief que ſil ad diſtr̃ eux ou alcun de eux &c. p ceo q̃ adonqꝫ il redeliū m̃ ceſt diſtr̃ &c & cẽ bꝛief poit eſtre lue p eux touts en ſẽble mañ come Monſtrauer̃ ſerra direct al vic̃, ou per aſc̃ de eux ſil voill̃ q̃ iſſint diſtr̃.

tenantz qui D ¶ Et tenants a volunt en aunc̃ demeſne ſerra diſcharge de toll̃ ſibñ come tenants del frankꝫ, ou tenants a term̃ de vie, ou des ans de terre en aunc̃ dem̃ ſerra diſcharge d̃ toll̃ pur ſes bñs &c.

E ¶ Et vide 7. H. 4. que t̃ en aunc̃ demeſne poit merchand̃ & achat & vend̃ a merchand̃, et ne paier toll̃, & ceo accoꝛd̃ oue le Regiſt̃. Mes C. 9. H. 6. ẽ tenus, que ilz ne paier toll̃ pur chol. puenants de les tenements en aunc̃ demeſne ne pur chol. achates pur lour ſuſtenance &c. Mez pur auc̃s chol. il ſerra queſtion, cõe ſemble: mes entant q̃ ils ſerra quite de pontage, murage, & paſſage &c. il appiert (cõe ſemble a moy) q̃ ils ſerra quite de toll̃ generalm̃t, com̃t q̃ ils merchand̃ oue lour biens &c. Et le toll couient eſtre pay touts dits p ceſtuy q̃ achate le choſe, & nemy p ceſty q̃ ceo vend̃, ſinon que ceo ſoit per alcun cuſtome &c.

F ¶ Et les villeins des ſhrs, queux veneꝫ al Parliament ne ſerra contributoꝛies as expenſ. des chiꝛes del com̃, q̃ux

viegñ

veign̄ al pliam̄t: Mes les s̄rs aũa lettꝛs en lour noſmes demeſne direct al vic̄ luy cõmand̄ q̄ il ne diſt̄ les villeins des s̄rs &c. pur estre cõtributoꝛy a ceux expens. dez chi'rs, & ſil ad diſt̄, q̄ il t̄ redeliũ &c. al dits villeins &c. Et il ſẽble reaſonable, q̄ le villein ꝑ voit ſuer le b̄ ſil voil', ſibñ come ſon s̄r &c. q̄ux bꝛiefes appet̄ ent̄ les bꝛiefs deſtre q̄te de toll'.

¶ Et auxy Chapleins, q̄ux ſont Maſters del chancery, q̄ux ſont attendants al pliam̄t, ne ſerra contributoꝛies per reaſon de lour benefices as expenſes des ꝓcoꝛs faits pur le clergy, queux venet̄ al dit pliam̄t, & ſils ſont, ilz aũa bꝛief al Archdeacon & ſez officers, de eux commandt̄ de eux diſcharge &c. & ſur ceo ils potent ſuet̄ Alias & Plur̄ & Attachm̄t vers eux ſi &c. & le bꝛiefe eſt tiel.

Rex Archidiacono Midd' & eius offic', ac eorum cõmiſſar' ſal'm. Cum in pliam̄to nr̄o apud Weſtmon̄, anno regni noſtri quarto, conuocato per nos & per prelatos, comites barones, & totum conſiliũ noſtrum ibidem concord' fuiſſet, q̄d̄ clerici noſtri de cancel' beneficiati, in parliamentis, conſilijs et tractatibus noſtris ad obſequendum nobis & populo regni noſtri perſonaliter exiſtent̄, ad contribuendum ration̄ benefic' ſuorum expenſ. procuratorum de clero aliquarum dioc' ad hm̄di pliam̄ta, conſilia, et tractatus de mandato noſtro venientium dum in eiſdem p̄ſentes forent, eſſent quieti: Nos concordiam pred̄ illæſam in omnibus maxime cũ expenſ. pred̄ propter abſentiam illorum, qui dictis parliam̄tis &c. non interfuer̄ preſtent̄, volentes obſeruari: Vobis mandam⁹, q̄d̄ T. perſonam eccleſiæ de N. Lond̄ dioc', qui cleric⁹ de cancellaria nr̄a eſt, et qui in pliam̄to nr̄o apud Weſtmon̄ vltimo tento in obſequio nr̄o & communitat̄ populi regni noſtri preſens fuit ad contribuendum ratione beneficij ſui pred̄ expenſ. procuratorum qui ad dictum pliamentum p̄ clero dict̨e dioceſ. veneꝛ ſeu aliorum procurator̄ q̄ ad alia parliam̄ta &c. per nos nunc tenenda venire continget dum hm̄di obſequijs intenderit nullaten⁹ compellat̄, ſeu p̄ miniſtros veſtros aliqualiter compelli p̄mitt̄, ſed ipſum de expēſ. hm̄di quietum eſſe faciat̄ iuxta concordiam ſupradict'. Et ſi quid ab eo ea occoſione leuatum fuerit, id ei ſine dilatione reſtitui, necnon proceſſibus, ſi qui ad cenſuras eccleſiaſticas contra ipſum ex cauſa p̄d̄ facti fuerint, ſuperſedeꝛi, & ſentēc', ſi quam in ipſum fulminata fuerit, ſine dilatione reuocari faciatis, Teſte &c.

¶ Et Quære pur ceſt eſpecial ſtatute, Mes p̄ t̄ appiert

qne

que le parliament poit oblige le Clergy p lour acts & ſtatutes fait en le parliament.

142 ¶ Briefe de Libertatibus allocandis.

B Briefe de Libertatibus allocandis gist en cas ou aſcun Citizen, ou Burges, ou auter home eſt impiede deuant aſcuns Juſtices le Roy, ou Juſtices errants, ou Juſtic̃ de foreſt, & il claim̃ & plede aſcũ grant de libertie a luy fait, ou al citie, ou borough, a q̃ il eſt burgeſſe p le Roy, ou per ſes pgenitors, & les Juſtices luy deſerre de ceo allower, donqs cēy q̃ eſt iſſint delay p les Juſtices, poit ſuer tiel bre direct a les Juſtices, eux cõmand̃ de ceo allower &c. et le brieſe eſt tiel. ¶ Rex Iuſticiar̃ ſuis de banco ſalutem. Quia
1 burgenſ. noſtri de N. per cartas progenitor̃ noſtror̃ quond̃ regũ Angl' clamãt habere diũſas libertates, quibus ipſi et anteceſſores ſui burgenſ. eiuſdē villę à tempore confectionis cartarũ p̃d̃ ſēper hactenus uſi ſunt & gauiſi, ſicut dicunt: vobis mandam̃, q̃d̃ ipſos burgenſ. libertat̃ p̃d̃ corã vobis in bã. co vti et gaudere permittat̃, iuxta tenorē cartar̃ p̃d̃, put eis vti & gaudere debent, ipſiq; et anteceſſores ſui p̃d̃ libertat̃ illis à tēpore p̃d̃ ſemp hactenus rationabilit̃ vti & gaudere conſueuerunt, Teſte &c.

¶ Et ſi aſcũ claim̃ eſpecial libertie, come deſtre impiede deins la citie ou borough, & nemy dehors la citie &c. donques le brieſe ſerra eſpecial, ſic.

¶ Rex eiſdem &c. ſalutem. Cum inter cęteras libertates q̃ ad meliorationē villæ noſtræ de R. per cartas pgenitor̃ noſtror̃ quondã regũ Angl' conceſſæ ſint burgenſ. eiuſdē villæ, conceſſum ſit eiſdem q̃d̃ ipſi non implacitent ſeu implacitē-tur alibi quã infra burgũ p̃d̃ corã &c. eiuſd̃ vill', de aliquibus tenur̃ intrinſecis, ſeu tranſgr̃ et cōtractib⁹ infra eund' burgum factis, prout in cartis p̃d̃ plenius continet̃, qua quidē libertate ijdem burgenſes & anteceſſores ſui eiuſd̃ villę burgenſ. à tēpore confect' cartar̃ p̃d̃ ſemp hacten̄ rationabiliter vſi ſunt, ſicut dicũt: vobis mand̃, q̃d̃ eoſd̃ burgenſes libertate p̃d̃ corã vobis vti & gaudere permittat̃ iuxta tenor̃ cartar̃ p̃d̃, put ipſi eis vti debēt, ipſiq; et anteceſſor̃ ſui p̃d̃ à tē-pore p̃d̃ ſēper hactenus vti et gaudere conſueuer̄, Teſte &c.

¶ Et cheſt̃ q̃ claim̃ aſcun libertie, & iuſtifie p cē aſcun act per luy fait en aſcun court deuant aſcũ maſt Juſtice, et les Juſtices ne voill' allower luy ceſt libertie, ou luy deſerre de ceo allower, il poit donqs ſuer ceſt brieſe. Et ceux

brieſs

briefes sont de diūs formes, come appiert per le Regiſter, et poit estre sue per corps incorporate, ou p aſcun singuler pſon, come le cas aueigh &c. Et les Barons de v. ports poient suer tiel briefs suiz sont deferre ou delaies dauer lour liberties a eux allowes &c.

¶ Et autiel brief poit estre sue as Justiē del forest, eux commandant de allower tiels chēes grantes a aſcun deſtē quite de pannage, ou dauer paſture pur lour beasts.

143 ¶ Breue de Corrodio habendo.

BRiefe de Corrodio habendo gist en cas ou le Roy est founder daſcun Abbey ou Priorie en droit de son corōn, ou de auter meason de religion, ore de cōmon droit le Roy doit auer vn corrodie, s. vn reasonable sustenāce pur aſcū de ses vadelects en m̄ le meason. Et issint de chesē Eueſcherie en Engl', ou en Gales, le roy doit aū vn reasonable pension pur son chaplein, tanqz q̄ le Eueſqz ad luy ꝓmote a vn conenable benefice. Et le forme del brief p̄ corrodie ē tiel. ¶ Rex dilectis suis in xp̄o Priori & Conuentui de N. salutem. Volentes dilecto valecto nostro de S. sibi de susten-tatione congrua prouideri, ipsum ad vos duxim⁹ trāsmittē, rogantes quatenus ipsū S. in domū vr̄ā p̄d admittētes ei talem sustentationem in oībus, qualem P. iam defunct habuit dum vixit in ead ministrari, & ei literas vr̄as cōmuni siigill' domus vestræ signatas mentionem de hijs q̄ de ead domo vestra sic ꝓcipiet faciētes sibi sup hoc fieri & ei liberari fac', p quo nobis in agēd domui vr̄æ p̄d tenē volumus special' in futuro, & quid inde ad hūc rogatū n̄r̄m duxeritis faciend nobis rescribat per p̄sent portatorem, Teste &c.

¶ Et est aut forme de brief lou le roy voile escrier pur les seruants son ayel ou pere &c. ¶ Rex eisdem salut &c. Attend grata & laudabilia obsequia q̄ dilect' seruiēs noster A. auo nostro et nobis hactenus impēd, volentes eidē E. cui de sustētat sua per ipsos auū seu patrē n̄r̄m, aut nos nond est ꝓ-uisum, de hm̄di sustētatione ꝓuidere, vt tenemur, ip̄m ad vos duximus destinād, regantes quatenus ip̄m A. in domū vr̄ā p̄d admitt ei talē sustent vt in victu & vestitu & al' necessarijs, qual' R. iam defūct' habuit ad mād de'i aui n̄r̄i de dict domo vr̄a ꝓcipiend ministrari, sibiq; lr̄as vr̄as patent &c *vt supra.*

¶ Et issint ou le roy est founder de aſē Abbey ou Pri-orie de Nunnes, le Roy auera corrodie pur vn des damo-seis del Roigne, ou de auter son cosin, pur que il luy plest

escrier

deſcrier &c. Mes ſi le roy voil' eſcrier al Abbe des moigns pur vn damoſel dauer cozodie la pur ſa ſuſtentation &c. ſẽble que ceo ne ſerra obey pur ienconuenience de ceo: Nec e contra, ſil eſcrie al Nunnerie pur ſon vadelecte dañ cozodie la: Tamen quære.

D ¶ Et eſt auter fozme de bziek ſic. ¶ Rex dilectis & fidelibus ſuis Abbati et Conuentui de B. ſalutem. Volentes de gratia noſtra ſpeciali dilecto valecto noſtro R. pretextu boni ſeruicij ſui nobis impenſi et impendend̄, cui de ſuſtentaī congrua &c. *vt ſupra.*

E ¶ Et ſur ceux bres ſi Labbe ou Pzioz ne voile faire acozd̄ al bziek a luy direct, donqz vn Aſ & Pluſ fra agard, vel cauſam nobis ſignifices ſerra mis en le bziek de Pluſ & ſerra ret̄ en bāke le roy &c. Et ſil ne retozñ ceſt, vn Attachm̄t ſerra agard vers labbe ou pzioz, ou pzioreſſe &c.

¶ Et ſi le roy eſcrie p̄ tiel cozodie al vn Abbe ou pzioz, et ils grant ꝑcel del cozodie al ceſty pur que le Roy eſcrie, mes nemy tout ne pleinmēt cõe auters auer̄ auant, donqz le Roy ſur ſurmiſe de ceo fait en chāceric grantera vn bre de Sicut alias direct as ditz Abbe ou pzioz &c. eux deſirant, que ils grantera ſemble ſuſtentaī en tours choſes cõe aſcũ auter ad eẽ auant en m̄ cẽ meaſon. Et ſi Labbe ou Pzioz &c. ſur le Pluſ retozñ aſcun matt̄ p̄ ſon excuſe, pur que il ne admit ne grant tiel cozodie, q̄ retozñ ſẽble al court, en que il eſt retozñ, ſoit il en chanc̄ ou en bank le roy, q̄ ceſt ret̄ nē ſuffic̄, donqz le roy grantera tiel bzieſe.

¶ Rex &c. ſalt̄. Cũ nuper volentes dilecto nobis N. p̄textu diutini ſeruic' ſui dño Ed. nuper Reg. auo noſtro, et nobis hacten⁹ impenſ. de ſuſtentaī congrua prouidere iꝑm ad vos miſerimus, & vobis pluſ mandauer̄ rogantes quatenus eũd N. in domum veſtram admitteretis, & ei talem ſuſtentatiõ &c. concederetis, et l̄as &c. faceret̄, vel cauſam nobis ſignificaretis, quar̄ mandat̄ nr̄is totiens vobis inde direct̄ minime puiſtis, ac vos quaſd̄ cauſas excuſat̄ nobis in cācell' nr̄ā miſeritis, quas inſufficient̄ reputam⁹: Vobis igitur mandamus firmiter iniungentes, quatenus eundē N. in domũ veſtrā &c.

F ¶ Et ſi vn Abbe ou Pzioz ad al pzier le roy graunt vn cozodie a vn B. &c. pur terme de vie, & puis le dit B. voile ſurrendeī ſon graunt de cozodie al dit Abbe ou Pzioz, al entēt que vn C. ceo aũa pur terme de ſa vie, donqz il deuſ ſuer bzieſe al Abbe ou Prior, & le bzieſe ſerra tiel.

¶ Rex dilectis ſibi &c. Priori & conuentui de R. ſalutem.

Cum

Cum dilect⁹ nobis S qui quandam certam sustentationē in prioratu vestro p̄d̄, ad rogatū nr̄m obtinet, et in volūtat̄ existat q̄d̄ dilect̄ valectus noster N. habeat totum statum, quē idem S. habet in sustentatione predict̄, & ad illū effectū lr̄as patentes sibi de dicta sustentatione per vos factas, vobis restituere sit paratus, sicut dicit supplicans nobis vt assensum nostrum ad hoc prebere dignemur. Nos supplicationi illius S. innuentes, et insuper volentes p̄f. N. gratiam vberiorem facere in hac parte: Vobis mandam⁹ rogantes, q̄d̄ si idem S. dictas lr̄as ad effectum p̄d̄ restituere voluerit, tunc receptis penes vos lr̄is illis, ips̄m N in domum vestram p̄d̄ admittentes ei sustentat̄ p̄d̄ ad totam vitā ipsius N. de dicta domo vr̄a scipienda concedat̄ eiq; lr̄as vr̄as patentes de eadē sustent̄ sub sigill' domus vr̄æ p̄d̄ fieri & ei deliberari fac', & q̄d̄ ad hunc rogatū nr̄m duxeritis faciend̄, nobis rescribat̄ per present̄ portatorem, Teste &c. ¶ Et sur ceo il poit suer Al' & Plur̄ & Attach. si mestier soit &c. A

¶ Et si vn Abbe ou Prior admit vn al vn corodie sur vrет le roy a luy direct: Dre si cestuy deuie q̄ est illint admit, le roy escrie̅ al dit Abbe &c. pur vn aut̄ pur auer m̄ le corodie &c. B

¶ Mes ou le roy ad vn pension dascū Abbe ou Prior̄ pur son chapleine, si le Abbe ou Prior grannt vn pension al escrier le roy a vn chaplein le roy: et ore si le chaplein deme, vn̄ le roy ne escrier de grant vn nouel pension al aut̄ chaplein du̅ le vie de ceo Roy, & si il fait, le Prior nē ten⁹ de grant ceo. Mes auterm̄t est de corodie.

¶ Et Alcuns dient, q̄ apres le cess. de chescun Abbe ou Prior, le Roy auera nouel pension grant a son chaplein: Tamen quære de ceo.

¶ Et si le roy ad vn corodie de Abbey dam̄ ētain panes & cerv̄ galons de lernois &c. le Roy poit ceo graunt̄ a diūs homes. Mes lou il ad corody dauer sustentat̄ du home, cōe de seer one les vadelets Labbe &c. la il ne poit ceo graunt̄ forsq; a vn home solem̄t. C

¶ Et le Roy poit releas. son title de corody al Abbe ou Prior sil voit' &c. D

¶ Et si Abbe ou Prior receiue vn al mandem̄t le Roy sur vrет direct̄ a eux a vn corody, & luy fait grant sur cē, q̄ cē act le succes. le Abbe serra lie & la meal. a touts iours. Auterm̄t sēble q̄ si Abbe ceo fait al prier le roy &c. E

¶ Et T. 4. E. 3. est tenus, q̄ cēy abbe ou prior q̄ tient de roy en frankalmoign̄ ne serra charge al corody &c. F

144 ¶ Breue

144 ¶ Breue de Annua pensione.

G Et Iou le roy ad annual pension de Abbe ou Prior pur son chaplein, le Roy maund son briefe al Abbe &c. pur grant a son chaplein le dit pens, qil briefe serra tiel.

¶ Rex dilecto in xpo Abbati & Conuentui de C. salutem. Cum vos ratione nouæ creationis vræ pref. Abbat teneamini vni de clericis nostris quem vobis duxerim⁹ nomiñd in quadam annua pensione de domo vestra precipiẽd, quousque sibi prouisum sit de beneficio ecclesiastico cõpetenti: Ac nos promotionẽ dilecti clerici nostri à suis exigent meritis affectantes, ipsũ ad hmodi pensionem à vobis percipiend duxerimus nominand. Vobis igitur mandamus, quatenus eidem A. talem pensionem de dicta domo vra in forma pd percipiend q dantes deceat pcipientq; fortius obligatum reddere debeat concedatis, lras vras pat sigill' capituli vri signat eidem A. super hoc fieri facient. Et quod inde duxer faiend, nobis sine dilac' rescribat, Teste &c.

¶ Et la forme del grant del pension est tiel.

H ¶ Vniuersis ad quos pntes literæ peruenerint, Abbas de T. & Conuentus eiusdẽ loci salutẽ &c. Noueritis nos ad instanc' illustrissimi Principis Ed. Dei gra Reg. Angl' dedisse & concessisse dilecto nobis in xpo A. cl'ico centum solidos sterlingorũ in festo sancti Mich. annuatim de camera nostra percipiend, quousq; eidẽ. Ade beneficio ecclesiastico cõpetenti sibi per nos fuerit ꝓuisum, & hoc ei quã citi⁹ facultas se obtulerit facer ꝓmittim⁹. Dict autẽ A. per se vel suum ꝓcur legit ad hoc constituẽ, dictas v.l. singulis annis apud S. recipiat. In cuius &c. commun sigill' domus nosti ꝙ duximus apponend, Dat in capitulo nostro &c. ¶ Et appt per ant rolt en Leschequer des qux Abbeis ou Priories le Roy deuer aũ Corodie e pension, e de qux pensions solem̃t, et de qux corodies solem̃t. Le copy de qux cy ensuist.

Hæc sunt nomina coroꝺ & Pensionum in Anglia, quę sunt de dono domini Regis secundum librum Scaccarij.

¶ In abbathia de Glastẽ-
burie i.corod, i.penẽ
In abbathia de Hochelney
ij.corod, i penẽ
In ab. de Tewkesbur i.co.
In ab. de Cluac i.c i.p
In ab. de Forð i.c
In ab. de Buckfast. i.c
In ab. de Shirburñ i.c.i.p
In ab. de Abbotesb. i c.i.p
In ab. de Rewly i.c.i.p
In ab. de Shaftsbury i.v

In

In ab.de Winton i.c.i.p
In ab.de Wozwelk i.p
In ab.de Hide i.c.i.p
In ab.de Batel i.c.i.p
In ab.de Wauerley i.c
In ab de Walmelb. ȳ.c.i.p
In ab. de Sleuebozue i.p
In ab.de Southwik i.c.i.p
In ab.de Sulcster ȳ.c.i.p
In ab.de Stonley i.c
In ab. de Wzikockm i.p
In ab.de Hurtey i.c
In ab.de Beding i.c.i p
In ab.de Wellenden i.c
In ab.de Glouceſt. ȳ.c.i p
In ab.de Langton i.p
In ab.de Eucsham i.c.i.p
In ab. de Perchoze i.c.i.p
In ab.de Winchcomb i.c.i.p
In ab.de Oſney i.c.i.p
In ab.de Caine i.c
In ab.de Dozceſter i.c.i.p
In ab.de Ibingdon ȳ.c.i.p
In ab.de Euiſham i.c i.p
In ab.de Godſtow i.p
In ab de Notley i.c
In ab.de Southm̃ i.c.i.p
In ab.de Lilik i.c
In ab.de Shzewſb. i.c.i.p
In ab.de Cheſter i.c.i p
In ab.de Walerialk i.c
In ab.de Burton i.c i.p
In ab. de Thozney i.c.i.p
In ab.de Kawſey i.c.i.p
In ab.de Peterbozoug i.c.i p
In ab.de Croland i.c.i.p
In ab. ſancti Benedicti in Nozthfolke i.c.i.p
In ab.de Wury i c.i.p
In ab.de Tetkarth i.c iip
In ab. de Dipewelk i.c.i.p
In ab.de Leiceſter i.c
In ab.de Newſtede i.c
In ab.de Pomfret i.c.i.p
In ab.de Wozſhoze i.c
In ab.de Wlith i.c
In ab.de Waltham ij.c.i p
In ab.de Barking i.c
In ab.de Towerhill i.c
In ab.de Baronm:ondſey i.c
In ab. de Criſtechurhland i.c.i.p
In ab.de Feuerſham i.c
In ab.de Chirſey i.c
In ab.beat Ma.de Yozk i.c
In ab.de Durham i.c.i.p
In ab.de Tinmouth i.p
In ab.de Whitby i.c.i.p
In ab.de Mewes i.c
In ab.de Altney i.c.i.p
In ab.de Wardon i.c
In ab.de Criſton i.c
In ab.de Selby i.c
In ab de Sparhal i.c
In ab.de Dozſley i.c
In ab.de Spalding i c
In ab. ſancti Auguſt. Canterbury i.c.i.p
In ab.de Thozpton i.c i.p
In ab.de Twierdart i.c
In ab.de Noueyton i.p
In ab.de Coteſhal i.c
In ab.de Wonmouth i.c
In ab. de Weſtm̃ i.p
In ab.ſancti Saluatozis de Cant i.c.i.p
In ab.de Dauentre i.c
In ab.de Criſtall i.c
In ab.de Stretfozd i.c
In ab.de Wilton ȳ.c
In ab. Serne i.c.i.p
In ab.de Combe i.c

In

In ab.de Grenuby i.p.
In ab de Merituat i.c.p.c.
In prioratu de Bathe i.c.
In prior in Montag. i.c.
In prior de Tauestock i.c.
In prioratu sancti Augustini Bristoll i.c.i.p.
In prio. Almelbury i.c.
In prio.de Stethorñ i.c.
In pri.de Bradstow i.p.
In prio. de Worcest. i.c.
In pri.de Sedlwozth i.c. i.p.
In pri.de Dunstable i.c.i.p.
In pri.de Borstone i.c.
In ab.de Kennelwozth i.c. i.p.
In prio. de Couent i.c.
In pri.de Tutbury i.c.
In pri.de Ely i.c.
In pri.de Bedwell i.c.
In p.de Northw. i.c.i p.
In pri.de Lentoñ i.p.
In pri.de Selwozd i.c.
In pri.de Mertõ. i.c.i.p.
In pri.de Lewes i.c.
In pri.de Wenlock i.c.
In p.de Winchest. i.c.i p.
In pri. de Bozdsley. i.c.
In pri. de Standeate i c.
In pri. saint Andrewes de Northampton i c.i.p.
In Ab.de Bodman in Cornub. i.c.
In Abbat sancti Jacobi in Northampton i.c.i.p.

145 ¶ Briefe de Ideota inquirendo vel examinando.

A NOta que le Roy est tenus de droit per les leyes a defender ses subiects et lour biens & chateux, terres & tenemts, & pur ceo p la ley chescun loial subiect est prīs deīt en le protection le Roy, & sil sait mis hors de protection de Roy pur son offence, donqz chescun home poit faire de luy come de enemie le Roy, & il nauīa remedie ou recouerie per les leyes le roy: Et pur ceel ceule q̄ chescun home est en le ptect le roy, vn Ideot q̄ ne poit soy defendr̄ ou gouerñ, ne ozder ses terres, tenīts, biens, ne chateux, le Roy de droit deuer̄ luy aū en son custodie, & de ozd̄ luy & ses tres, bīs & chateux, & ceo appt bi p le statute de Prærog. Regis ca. 8.

B ¶ Et pur & quant le Roy est enformé, que vn q̄ ad diūs terres ou tenemts est Ideot & soit natural de sa neisture, le roy poit adonqz agardr̄ s̄ briefe al Eschetor del countie ou tiel Ideot est demurrant, ou al bir̄, ou aūs, de enqrer de ceo &c. & le bre q̄ est direct al Eschetor est tiel.

¶ Rex Eschaetori suo &c. salutem, Quia accepimus qd̄ I. de B. fatuus et ideota existit, ita quod regimini sui ipsius terrarum, tenīorum, bonorum & catallorum suorū non sufficit, & quod ipse in fatuitate sua magnā partē terrarū & tenīorū suorum alienauit, & etiam magnam partē bonorū & catallorum

lorum ſuorum diſſipauit, in hæred ſuã, & nr̃i p̃iudic' manifeſtum, nos indẽnitati ipſius in hac pte ꝓſpicere volentes, vobis mandam⁹, qd̃ in ipſum I. in ꝓpria perſona veſtra accedatis, & ipſum vijs et modis quibus ſuper ſtatu ſuo melius poteritis informari, circumſpecte examineris, & nihilominus per ſacramtũ ꝓborũ & legalium hominũ de ball' veſtra per quos rei veritas melius ſciri poterit diligẽter inquirat ſi idem I. fatuus & ideota ſit, ſicut p̃dict eſt, necne: & ſi ſit, tunc vtrum a natiuitate ſua an ab alio tempore, & ſi ab alio tempore, tũc a quo tẽpore, & qualit̃ et quomod̃, et ſi lucida gaudeat interuallis, & ſi id I. in eod̃ ſtatu exiſtẽs terras aut tenementa aliqua alienauit, necne: & ſi ſic, tũc quas tras et q̃ tenemẽta, et vbi, & cui vel quib⁹, & in cuius vel in quorum manib⁹ tr̃ et tenta ſic alienat̃ exiſtũt, & qualit̃, et quomod̃, et q̃ terr̃ et q̃ tenta ſic adhuc remanent, & de quo vel de quibus tr̃ tr̃ et tenta ſic alien. q̃ terr̃ et tenta ſibi retenta teneat et per qd̃ ſeruic', et qualit̃, et quomodo, & quantũ valeant p̃ anñ in oĩbus exitibus, et quis ꝓpinquior hær̃ eius ſit, et cuius ætatis. Et inquiſic' ind' diſtincte & aperte fact̃ nobis in dãc nr̃am ſub ſigillo vr̃o et ſigillis eorũ per quos &c. mittat̃, et hoc breue, Teſte &c.

¶ Et ſont ij. autres manis des briefs de autel ſozme en le Regiſter, q̃r ſont directs al eſchetour de aler a tiel ideote et de luy examiñ &c. & de faire inquiſic̃ ſur ce &c. & le ſozme del briefe que eſt direct al vic̃ denquer del tiel ideote eſt de tiel ſozme.

¶ Rex vic̃ &c. Precipim̃ tibi qd̃ per ſacrm̃ &c. diligent inq̃ras vtrũ I. de B. frat̃ & hæres Th. de B. a natiuit̃ ſua tempore ſemper hactenus pur⁹ ideota extiterit, per quod cuſtodia tra & tenẽtorum ſuor̃ in C. ad nos debeat pertinere, an per infortunium vel alio modo in hmi imbecillitat̃ poſtea inciderit, ꝓpter qd̃ hmi cuſtod̃ ad nos ptinẽ non debeat, & ſi per infortunium vel alio modo, tũc per qd̃ infortuniũ, et quali, et quomodo, & cuius ætatis fuerit, et de quo terr̃ et tenta immediate tenent, et per qd̃ ſeruic', et qs̃ modo ea tenet, et quant valeant p̃ anñ in oĩbus exit̃, et qs̃ medio tẽpore exit eorum pertepit. Et inq̃ſic' inde diſtincte et aperte &c.

¶ Et ſi aut ſozme de briefe al vic̃ direct denquer de ideot, q̃ eſt mult de autel ſozme, cõe le p̃mier briefe auant ẽ, q̃ eſt direct, al eſchetor denquirer &c.

¶ Et coñt q̃ vn hõe ſoit troue ideot p̃ inquiſic̃ deuant le eſchetor, ou deuant le vic̃ p̃ris, & p̃ lour examination &c.

et ceo retorne en le chanc̃, vn̄ cēy q̄ serra illint troue ideot, voit en ſ̄ pp̄ person, ou p ſes amies veñ en le chāc̃ ou deuant le chancelor & councel le roy, & mōe cel matt̄ la, & prier q̄ il poit estre examine deuāt le chanc̃ & coūcel le roy, sil soit ideot ou nēt: ou il poit suer brief hors del chanc̃ direct a certaine p̄son de amesner luy q̄ ē illint troue ideot, denāt le roy & son councel al Westm̄ pur estr̄ la examine &c. & sil soit amesne, et la examine, et troue q̄ il nest ideot: dōcq̄ ce̅ ingl̄ troue denāt leschetor ou vic̄, et auxy lexamination q̄ le vic̄ ad fait et retorn̄ sur ceo, est de nul value ne effect, mes cest office illint ē serra p̄is come void̄ sans auttrement se suer cōe semble, & le brief q̄ serra direct al ascē p̄son de laire amesn̄ tiel ideot deuāt le coūcel le roy serē tiel. ¶ Rex I. de T. sal'. Quia datum est nobis intelligi, qd̄ R. frater tuus filius & hæres R. defuncti p̄ris tui ideota est & non sanæ mē-tis existit, ita quod regimini sui ipsius aut ẽrarum suarum p̄uidere non sufficit, nos volentes de statu p̄dict̄ R. fratris tui certiorari, tibi p̄cipimus firmit̄ iniūgentes, qd̄ statim visis p̄sent̄, p̄dict̄ R. in custodia tua existent̄ vt dic', coram nobis & consilio nr̄o apud Westm̄ sine dilatione duci fac': ita qd̄ sit ibidem hac instante die Iouis, ibid̄ coram eod' cō-silio nr̄o examinand̄, & ad faciend̄ de eo qd̄ per aduisamtū consilij nr̄i sup hoc duxerimus ordinand̄, & hoc sub pœna centum librar̄ nullaten⁹ omittas, Teste &c.

¶ Et q̄ serra dit sot & ideot a sa nesture ē tiel p̄son q̄ ne scier accompt ne nuber xx. deniers, ne scē dire q̄ lour son pere ou mere, ou de q̄l age &c. illint q̄ il poet appere, que il naia ascū entendm̄t de reason q̄ serra a ſ̄ p̄fit, ou a son dam̄, mes sil ad tiel intelligence, q̄ il scit̄ ap̄nd̄ & a conust̄ lettres, & de lier p̄ instruction & information de auter home, donqs semble q̄ il nest sot ne ideot natural.

146 ¶ Breue de Apostata capiendo.

¶ Briefe de Apostata capiendo gist ou home enter en reli-gion, et est profesſe, & puis il dept de son meason et va vagarant et discurrant ē le pais encōt les rules de ſ̄ reli-gion: ore labbe ou p̄ior ou il est profesſe, poet certifier ceo matt̄ en chaūc̄ de louth lour seale, & sur ceo p̄iera dauoir tiel briefe direct al vic̄ de luy p̄nd̄ &c. & de luy deliū a ſ̄ abbe ou a son attorney, & le forme del briefe est tiel.

¶ Rex vic' &c. salut. Quia frat̄ I. cannonicus de A. spreto habitu

habitu ordinis illius, in habitu ſeculari de patria in patriam in balliua tua vagatur & diſcurrit, in animæ ſuæ periculum & ordinis ſui ſcandalum manifeſtum, ſicut dilect nobis abbas de A. nobis ſignificauit per lr̃as ſuas patentes, tibi p̃cipimus quod p̃f. I. vbicunq; in ball' tua inueniri contigerit, ſine dilatione arreſtes, & p̃d abbati vel eius in hac parte attorn̄ liberes ſecund' regulam ordinis p̃d̃ caſtigand̃, Teſte &c.

¶ Et ſur cē il poet aū Al' e Plur̄ vs le vic̄ e attachm̄t ſil ne voile ſeruer le bꝛieue. A

¶ Et eſt auter bꝛieue de auter foꝛme, ſic. B

¶ Rex eidē &c ſalut̄. Quia frat̄ T. monachus de S. ordinis Clunaſſen̄ in ordine illo ꝓfeſſus, ſpreto habitu ordinis illius &c. ſicut dilectus nobis in xp̃o abbas de B. per lr̃as ſuas patēt̄ nobis ſignific', tibi præc', quod p̃f. &c. *vt ſ.* C

¶ Et il ſēble, com̄t q̄ ceſty q̄ dept de ſ̄ relig̃ ne chāge ſon habite, vncoꝛe ſil va bagarā̄t, e labbe de cē meaſon ē certifie &c. q̄ vn̄ il aūa tiel bꝛuelment obſtant ceſte parole en le bꝛief, ſpreto habitu &c. car ceux parole ne ſont q̄ parole de foꝛm̄, e nemy del ſubſtance del matter &c. car le habite del religion eſt le obedience e le ꝓfeſſion q̄ il ad fait al tiel rule &c. e ſil relinquiſh cel obedience e ſes rules de ceſt religion, et depart &c. il ſēble q̄ il relinquiſh lhabit, et ſi ceo depture ſoit certifie p alc̄ abbot, ſur q̄ tiel ꝓſon fuit demurrant, e a luy obedient. q̄ſt il depart e relinquiſh le religion, q̄ ē ſuffiſt dau̾ tiel bꝛief ſur ceſt certificat, ou ſil ſoit certifie p ceſty q̄ eſt viſitoꝛ del religion &c. mes ne ſont aſcuns bꝛieues en le Regiſt. foꝛmes ſur tiel certifi̾ fuit p aſcun viſitoꝛ, ou abbe dauter meaſon, ſur q̄ le pty q̄ relinquiſh lhabite ns fuit dey murr̄ al temps &c. & ideo quære de ceo. D

147 ¶ Breue de Leproſo amouendo.

BReue de Leproſo amouendo giſt en caſe ou home eſt vn lazer e lep, et eſt demurrant en vn vill̄, e il voit deſ̄ en le eſgl̄ et enꝰ les vicins, ou ils ſont aſſembles, a comm̄ one eux e lour nuſans ou diſturbans, donq̄ ceſty ou ceux q̄ voile purſuer p̄ ceſt bꝛief de luy remou̾ hoꝛs de lour cō̄ panie ne ra tiel bꝛieue.

¶ Rex vic' vel maiori & vic' Lond̄ ſalut̄. Quia accepimus quod I. de N. leproſ. exiſtit & inter homines ciuitatis pred̄ communit̄ conuerſatur, & cum eis tam in locis publicis q̄ priuatis communicat, & ſe ad locū̄ ſolitarium ꝓut moris

eſt & ad ipſum ꝑtinet, transferri recuſat, ad graue dampnū hoiū pred', et ꝓpter contagionē morbi p̄d̄ ꝑiculū manifeſt', nos hm̄i ꝑiculo, ꝓut ad nos ꝑtinet ꝑcaueꝝ, & ſup ꝑmiſſ. qd' iuſtū eſt & vſitatū fieri volentes, vobis p̄cipiñ qd' aſſumptis vobiſcum aliquibus diſcretis & legalibus hoībus de ciuitate p̄d' non ſuſpecī, q̄ de perſona p̄f. I. de N. & hm̄i morbo notitiam habēt meliorem, ad ipſum I. accedatis, & ipſum in p̄ſētia p̄d̄ hoium faciatis diligenī videri & examinari, & ſi ipſum leꝓſum eſſe inueneritis, vt ꝑdicī eſt, tūc ipū honeſtiori mod' quo poteritis, a communicatione p̄dictor hominū amoueri, & ſe ad locum ſolitorium ad habitand' idiā prout moris eſt, transferri faciatis indilat', ne per hm̄i cōmunem cōuerſationē ſuā hominibus p̄d̄ dampnū vel periculū eueniat quoquo modo, Teſte &c. ¶ Et ſur cē bꝛieſe il puit aū Al' ⁊ Plur' et attach. ꝺos le maire ⁊c. ou ꝺos ceſty a q̄ le bꝛieſe eſt ꝺiꝛect ſi ne voille ſuer ⁊ executer le bꝛief ⁊c. ¶ Mes il ſembl' ſi hōe ſoit lep ou ſuſpect, ⁊ voille luy gard̄ ꝺems ſon meaſon, et ne voille eſtre conſtalant enter ſes vicins, q̄ adonq̄ il ne ſerra remue ꝺehoꝛs ꝺe ſon meaſon. Mes ſont diuſs manners ꝺes lepꝛes. Mes il ſemble q̄ cē bꝛief eſt pur ceux lepꝛs, q̄uꝛ appere al inſpections ꝺe touts homes, q̄ ils ſont lepꝛs per lour voice ⁊ les vicers ⁊ putredenes ꝺe lour chare ⁊ les oꝺoꝛs ꝺe ceux, mes ꝺe ceux q̄ ſont enfects oue ceo maladie ē lour coꝛps, ⁊ ne appere ꝺehoꝛs ſur lour coꝛps, ſi tiel bꝛief giſt ou ꝺe amoū tiels ⁊c. quere.

148 ¶ Briefe de Deonerando pro rata portione.

H BReue de Deonerando pro rata portion̄ giſt ē cas ou hōe tient x. boues ꝺe terre p̄ tenitis ⁊ xx. s. ꝺe rent ꝺe Roy, et le teñt alien vn p̄cel, ou vn bouat̄ ꝺe terre a vn home, ⁊ aut̄ bouat̄ ꝺe tre al aut̄ home en fee, ⁊ illint oultre as auters le reſidue ꝺes bouat̄ ꝺe terre, ⁊ le vīt ou les offīt̄ ꝺe roy voil' vīt̄ vn ꝺes vits teñts pur tout le rent, oꝛe celuy teñt q̄ eſt illint vīs poet ſuer ceſt bꝛiefe.

¶ Rex vic' &c. ſalut̄. Monſtrauerunt nobis I. A. & W. quod cum quatuor bouat̄ terre cum ꝑtin̄ in E. q̄ fuer̄ B. & que ꝺe nobis tenentur per ſeruitiū treſdecim ſolid̄ per annum reddendorum per manus vic' nr̄i com̄ p̄d̄, q̄ ꝓ tempore fuerit, ad manus pred' I. A. & W. necnon ad manus T. ex perquiſuo ſuo ꝺeuenerunt, & licet ijdē I. A. & W. duas bouat̄ terr̄, inde tantum modo teneant, tu tñ p̄dict̄ xiij. ſolid' annuos a pref. I. A. & W. omiſſo prefato T. qui dictas duas bouatas

terr̄

terræ teſiduas tenet exigis, & ipſos I. A. & W. pro predict treſdecim ſolidis annuis nobis reddend per varias diſtrictiones compellis, in ipſor I.A. & W. diſpendium non modicum & grauamen, ſuper quo nobis ſupplicauer eis congruũ remedium adhiberi. Et quia eiſd I.A. & W. iniuriari nolumus in hac parte, tibi precipimus, quod ſi inquiſit ſuper premiſſ. faciend, vel alio modo legitimo tibi conſtare poterit pdict quatuor bouat terræ p ſeruic xiij s. de nobis tantummodo teneri, & ipſos I.A. & W. duas bouatas terræ inde, & pd T. alias duas bouat tr reſiduas tenere vt eſt dict, tunc acceptis a pt. I.A. & W. ea quæ ad nos pertinent p rata portion tenuræ ſuæ, quã inde tenent, ipſos de reſiduo ſeruic pdict quietos eſſe permittas: Prouiſo ſemper pro dictum reſiduum ſeruicij illius a pf. T. ad opus nrum leuer vt eſt iuſtũ, Teſte &c.

¶ Et il appt p cẽ bꝛieue, q̃ nient obſtant le ſtat de emptor terr, q̃ ſi le t le roy alien parcel del tre ten de roy, q̃ vnt le roy ou ſon offic poit diſtr̃ lun des ts pur tout le rent &c. coment q̃ le ſtat dit, qd feoffatus teneat p particula illa &c. Mes ſemble q̃ le roy neſt lie p ceſt ſtat, mes common pſon eſt lie p ceſt ſtat. Car ſi home tient xx. acr̃ de tr̃ p fealtie & xx. s. de rent de vn home, & il alien vn acr̃ al vn en fee, et aut acr̃ al aut en fee, ore le ſñ̃ ne diſtr̃ le alienee, mes pur le rate et val del terre, q̃ alienee ad purchas, & ne diſtr̃ pur tout le rent en la tre lun alienée &c. mes ſi teñt le roy alien pcel del terre q̃ il tyent de roy ſans licence le roy, donqꝫ le roy poit eſlier ſil voit pꝛend le alieñ pur ſ tenant ou non, & donqꝫ ſemble queſtion, ſi le alienée aũa tiel bꝛieue. Mes ſi le alieñ fait fiñ oue le Roy pur ceſt alienation, dõque ſemble reaſonable q̃ il aũa tiel bꝛieue come auaunt, ſil ſoit diſtr̃ pur tout le rent q̃ iſſuit de tout la terre, de que il ad purchaſe pcel &c. A

¶ Et autiel bꝛe cõe auant ẽ agard as offic le roigne, lou ils diſtr̃ vn t pur tout le rent, lou il tient forſqꝫ pcel del tre & diũs auters tenants teigne le reſidue &c.

¶ Et ſi hõe q̃ tient centũ acr̃ de terre deuer repaire vn pont per reaſon de tenure de ceux centũ acr̃, ore ſil alien ẽ fee xx. de ceux acr̃ a vn, & xx. a aut home, et puis lun de eux eſt ſolemẽt diſtr̃ pur faire reparation de ceo pont ſur pꝛeſentment de ceo, ore il aũa eſper̃ bꝛief direct as officers le roy, q̃ ils ne luy diſtr̃, mes ſolonqꝫ le rate de ſ pozcion de ſa tre q̃ il tient, & le bꝛief ſerra tiel. B

¶ Rex dilectis & fidelibus ſuis I. de T. & ſocijs ſuis Iuſt. noſtris ad inquirend' de defectibus magni pontis Cant' & ad defectus illos reparari & emendari faciend' aſſignatis ſalut. Ex parte R. nobis eſt grauit' conquerend' monſtratum, quod cùm preſentat' ſit coram vobis, q̃d idem R. tenet quatuor hid' t̃ræ cum p̃tin in D in com̃ p̃d', quas de reparatione pontis p̃d' ab antiquo onerari conſuer' : *Vel ſic.* q̃ ad reparation̄ pontis p̃d' teneri aſſer̄tur. Et licet ipſe niſi tantum xx. acris t̃r̃ę de dictis quatuor hid' terræ, & quidam alij totum reſid' eorundem quatuor hidar' teneant, vos tamen occaſion̄ p̃ſentac' p̃d', ſeptem libras, ad quas dictæ quatuor hidæ ter̄ p reparatione pontis p̃dict' aporcionat' ſunt de eod' R. ac ſi ipſe quatuor hidas ter̄ p̃d' integre tenuerit cum non teneat, omiſſis alijs tenentibus p̃d', leuar' nitimini, & ipſum ea occaſione grauit' diſtringi, & multiplicicer inquietari faciatis in ipſius R. graue dampnum & ſtatus ſui depreſſion̄ manifeſtum, ſuper quo nobis ſupplicauit de remedio prouider'. Et quia ipſum R. in hac parte indebit' nolumus onerari, vobis mandamus, quod ſi per inquiſitionem inde in preſenc' ipſius R. ſi intereſſe voluerit capiẽdam, vel alio modo legitimo vobis conſtare poterit, ipſum R. niſi xx. acr̄ dictar' quatuor hidarum terrę tantummodo tenere, & reſid' earundem quatuor hidarum terrę in manibus aliorum tenentium exiſter̄ vt eſt dictum, tunc dictas ſeptem libras, ad quas dict' quatuor hidæ t̃ræ pro reparatione pontis predict' ſic aſſeſſæ ſunt, tam de preſ. R. quam de alijs tenentibus p̃dict', viz. de quolibet eorund' iuxta ratam tenuræ ſuæ earund' quatuor hidar' terræ nemini in hac parte parcend', nec aliquẽ tenẽt earund' vltra ratã tenuræ ſuæ indebitè onerand' leuar' fac', preſentac' p̃d' non obſtãte. Et ſi quid ab eodem R. vltra porcionẽ tenuræ ſuæ pred' minus iuſte leuatum fuerit, id ei ſine dilatione reſtitui fac', Teſte &c.

℄ Et eſt auter fezme de briefe pur tenant le roy, lou il ẽ diſtr̄ pur tout le rent, lou il tient q̃ pcel de ceſt terre, q̃ deuer̄ paier tout ceſt rent. Quod vide en le Regiſt.

℄ Mes vide leſtat' fait ann̄ 34. cap. 15. q̃ voet, & appert per icel, q̃ ſi tenant le roy alien ſes terres en fee que il tient de roy en chiefe, ſans licence le roy, q̃ ceux alienations ne lier̄ le roy, mes que il auera ſon p̃rogatiue de ceux terres et tenements de icel, come ſemble, et ideo quære del bray conſtruction de ceſt ſtat', que eſt le bray entendment de icel.

℄ Et ziel

Briefe de Superſ. giſt en diuſ caſes, come ſi hõe ſoit ſue, & brief de caſ ou exigent ẽ agᵹ vs luy, il poit p ſes amies ſuer vn Superſ. hors del place ou le caſ ou exigent fuit agᵹ ou il poit ſuer ſuperſ. en temps de vacaᶜ hors del ſme hors del chanᶜ, direct al vicᶜ, q̃ il prend ſuretie &c. q̃ il appere al iour &c. & que il luy ieſſ. alarge: ou il poit trouer ſuretie en Chaunᶜ dapperer al iour del brief ou exigent retorn̄, & ſur ceo il aña Superſed' al vicᶜ, que il luy ieſſ. à libertie, ſi il ad luy pris, & ſi nad luy pris, que adonqs il ne arreſtet luy, mes que il ſuffᶜ luy de aler en peace ſãs luy prẽd, & le form del brief eſt tiel.

¶ Rex vic' &c. Cum A. implacitet coram nobis per breue noſtrum B. & quoſdã alios in dicto breui noſtro contentos de quadam tranſgreſſ. eidem A. per ꝑf. B. & alios predᶜ illata vt dicitur, ac idem B. pro eo quod non venit coram nobis ad reſpondendᵈ prefat A. de tranſgreſſione predᶜ, in exigendᵈ in com̃ tuo poſitus ſit vtlagandᵈ, ipſo de exigendᵈ predᶜ penitus ignorante, vnde nobis ſupplicauit, vt cum ipſe paratus ſit ſuper premiſſ. in omnibus ſtare iuri, velimus & in hac parte ſubuenire: nos ſupplicationi predicᵗ quatenus iuſtum fuerit annuentes tibi præcipimus, quod ſi predᶜ B. in com̃ tuo perſonaliter accedens ſe reddiderit priſonæ noſtræ vt eſt moris, tunc exigendᵈ pred' ſuperſedeatis, & poſtmodᵈ ſi idem B. inuenerit tibi ſufficientes manucaptores, qui eum manucapiant habere coram nobis ad talem diem, quo breue nr̃um de exigendᵈ predicᵗ coram nobis eſt retornabile, ad reſpondendum prefatum A. de tranſgr̃ predicᵗ, & ad faciendᵈ vlterius & recipiendᵈ qd̃ curia noſtra conſiderabit in premiſſ. tunc prefaᵗ B. à priſona predicᵗ (ſi ea occaſione & non alia detineatur in eadem) interim deliberari fac' per manucaptionem predᶜ, & habeas ibi nomnia manucapt̃ pred' & hoc breue.

¶ Et qñt il troue ſuretie en le chaunᶜ de appere al iour de exigendᵈ retᵈ &c. donqs il aña ſuperſ. de auter forme, que ſerra tiel.

¶ Rex vic' &c. Supplicauit nobis C. quod cum B. implacitet corã nobis per breue noſtrum prefat. C. & quoſdam alios de quadam trangr̃ eidem B. per pref. C. & alios ꝑdicᵗ illata vt dicit̃, & licet idem C. paratus ſit pref. B. de tranſgr̃ ꝑdicᵗ, ſi quæ fuerit, reſpondere, & in omnibus ſtare iur̃ ſecundũ legem & conſuetudinem regni noſtri Angliæ: ipſe tamen pro eo quod tu coram nobis retornaſti, quod idem C. non

fuit inuentus in ball' tua iuxta proceſſum inde coram nobis habitum, per te in exigend̄ poſitus exiſtit in com̄ tuo ad vlagand̄: velimus eius indempnitati in hac parte prouidere, nos p eo qd̄ W. R. & I. manuceperi coram nobis in cancell' nr̄a haber̄ pf. C. corā nobis ad diem, quo br̄e nr̄m de exigend̄ verſ. ipſum C. eſt rationabile, ad reſpond̄ pf. B. de tranſgreſſ. p̄d̄, volentes eid̄ C. ſi in exigend̄ p̄d̄ occaſione p̄miſſ. & non alia poſitus exiſtat, vt eſt dict̄ū, tunc in exigend̄ illis vlterius faciend̄ interim ſuperſedeatis per munucaptiō ſupradict̄a. et habeas ibi tunc hoc breue, Teſte &c.

B ¶ Et ſi le Clerk, q̄ ad le gard des tolles de pzend̄ ſtats merchants, en noſm̄ dun auter forge vn obl', & mitt̄ le ſeale le maire & vn ſeale en noſm̄ del ptie a ẽ obl', & fait vn enrolment de ceo en ſes tolles, & puis certifie cel en le chancery p q̄ bziefe de cap. eſt ag. &c. oze celly vers q̄ tiel pces eſt ſue poit veñ en chancery & aū bziefe direct al vic̄, q̄ reherſ. ceſt matt̄ &c. & reherſ. com̄t le pty ad ſue Audita querela ſur ce matt̄ direct as Juſtices de bank le roy, eux commaund̄ de appeller les parties deuant eux &c. & commaund̄ le vic̄ que ſi le pty iſſint ſue poit trouer ſufficiēt ſurtie al vic̄ de appr al iour deuant le roy en ſon banke, & de paier le dette &c. ſil ſoit condempne &c. que adonqz il ſurceſſ. de luy pzender ou moleſt̄ &c.

C ¶ Et ſi hõe cite vn aut̄ p bulles le pape de appere perſonally al court de Rome &c. encõt̄ les ſtats en fait: oze ſi celly q̄ fiſt tiel citation ſoit commiſſ. al gard, il poit ſuer en chanc̄ dañ eſpecial br̄e al vic̄ reherſ. ce matt̄, luy commaund̄ q̄ ſi le dit party poit trouer ſuffiſ̄ ſurety, s. corpus pro corpore, q̄ il appere deuant le roy & ſon councell' a c̄tain iour, et la de faire & perfozme ceo q̄ ſerra adiudge ou decr̄e p le roy & ſ̄ councell', q̄ adonqz il luy leſſe al large &c. & per ẽ &c. et per ceo bziefe le vicont doit luy leſſe alarge, & ſil ne voil', il aūa Al' & Plur̄ & Attach.

D ¶ Et ſi hõe depart de ſon maſter ſans cauſe reaſonable & aut̄ luy retteigne ceo ſciant, per q̄ le maſter poit bziefe vs celly q̄ retteigne ſon ſeruant &c. ſur q̄ caſ̄ eſt agard̄ &c. oze il poit veñ en chanc̄ & trouer la ſuretie de appere en banke al iour de bziefe &c. & ſur ceo il aūa ſuperſ. direct al vic̄, que il ſurceſſ. de luy arreſt̄ &c. & ſi il ad luy arreſt, que il ſuffiſ̄ luy daiet alarge.

E ¶ Et autiel br̄e & ſuperſ. ſerra agard̄ hozs del chanc̄ ſi act̄ ſoit pzis vers le ſeruant pur ſon depart̄, & caſ̄ ag̃, & il poit

troner

trouer ſuretie en chanc̄ dapperer al iour &c. & dau̅ ſuperſ. direct al vic̄, q̄ il ſurceſſ. de luy arreſter &c.

¶ Et ſi hõe ſoit ſue en comen banke en det ou en trñs pur dam̄, & ſur ceo cap̄ ou exigent eſt agard̄, ore ſi le partie det. trouer ſuretie en le Chanc̄ de appere deuant les Juſtices al iour d̄ briefe retorn̄ &c. & deſtoier dõgz al ley, il aũa ſuperſ. direct al vic̄ de ſurceſſ. de luy arreſter &c. & ſil ad luy arreſte, que il luy leſſe aler. Mes il ſemble, q̄ ſur briefe de Cap̄ ou Exig. ad ſatisfac', que le vic̄ ne deuer̄ luy leſſ. aler alarge apres q̄ il ad luy priſe p force del briefe, pur ceo que il eſt en execution̄ p̄ le party &c. Et iſſint ſur brief dexigent agard̄ en briefe dacompt, il poit ſuer tiel Superſedeas. A

¶ Et iſſint ſi hõe deuient pledge pur auter de paier vn fine en le cõmon banke, ou banke le roy, & puis le fine neſt pay &c. per q̄ pces eſt ag̃ d̄s les pledges &c. ore al exig. ag. vers les pledges &c. il poit ſuer Superſ. & de trouer ſuretie en chanc̄ de appere al iour &c. & deſtoier al ley &c. et ſur ceo il aura le dit briefe de Superſed̄ al vic̄, q̄ il ne arreſt les pledges &c. & ſil ad eux arreſt, que il eux deliuer. B

¶ Et ſẽble reaſonable q̄ tiel briefe ſerra grant, pur ceo q̄ ceſt le duety le roy, s. le fine, & le Roy poit reſpite ceo &c. ſil voit come a luy pleiſt: Mes ſur exig. ſue ſuer condẽpnatiõ al ſuit de partie, tiel Superſed̄ ne ſerra alloẅable.

¶ Et ſi hõe ſoit indict deuant les Juſtices de peace, et ſur ceo mis en exigent: ore il poit trouer ſuertie en chanc̄ de appere al iour del pces retorn̄ agard̄ per le Juſtic̄ de peace, & ſur ceo dau̅ Surperſ. direct al vic̄, q̄ il ſurceſſ de luy prendr̄, & ſil ad luy pris &c. q̄ il luy leſſa aler alarge: Et ceſt ſuretie ſerra corpus pro corpore &c. C

¶ Et ſi hõe ſoit mis en exigend̄ al ſuit dun auter en diuers actions plonels, il poit troũ ſuretie en chancerie, s. corpus pro corpore de appere a cheſcun action al iour des brẽs retornables, et ſur ceo il auera vn briefe de Superſed̄ direct al vicont reherſ. coment il ad troue ſurety en Chancerie de appere as iours &c. luy cõmand̄ de ſurceſſ. de luy prendr̄ &c. & les formes de ceux briefes de Superſed̄ ſont en diuers manners &c. D

¶ Et ſi hõe ſoit indict deuant Juſtic̄ de peace, & proces de Cap̄ ou exig. ſur ceo ag̃, et puis p Certior̄ le indictm̄t eſt remoue, ore le partie poit ſuer en chanc̄ vn briefe de Superſ. direct al vicont, luy commaund̄ de ſurceſſ. de arreſter luy &c. pur ceo q̄ icndictment eſt remoue p le briefe de Cer- E

ciorari

ciorari &c. ou les Juſtices de peace de lour office deuer̃ ag̃ Superſ. al bir̃ aps q̃ le brieue de Certiorar̃ vient a lour mains de remoue̅ ceſt indictm̃t, cõe ſemble, tñ quere. Et en tiel cas il poit p̃chaſe brief de Superſ. hors de chaunc̃ direct al bir̃, luy cõmaund̃, q̃ ſi le ptie ſoy rend̃ al bir̃, & trouera a luy ſuretie de apperer al iour del brieue retorñ, q̃ donq; le bir̃ ſurceſſ. de luy prend̃ &c. ¶ Et ſi home ſue vn chiualer de S. John & autres per lour ꝓper noſmes & ſurnoſmes, ſans noſme luy chiual' de S. John &c. et il eſt mis en exigent, ore le Superſ. ſerra purchaſe en noſme le Prior & del dit chiualer ſon confrere en le chanc̃, & la ils poient trouer ſuretie de appere al iour &c. & ſur ceo ils aſſa brieue de Superſ. direct al bir̃ &c. q̃ il ſurceſſe de luy prender &c.

F ¶ Et ſi hõe ſoit condempne en det ou treſpas per faux verdict, & Cap̃ ſur ceo agarde de luy p̃nd̃ &c. ore ſi le partie ſue Attaint, il poit bener̃ en chanc̃, & la trouer ſuretie, q̃ il apperera al iour &c. & q̃ il reſpond̃ al party, & aury ſatiſfier le roy & le partie de ceo que a eux appertiẽt, ſi lattaint paſſa enconter luy: & ſur ceo il aſſa Superſ. direct al bir̃, q̃ il ſurceſſ. de luy prend̃ &c. le forme de tiel brieue eſt tiel.

G ¶ Rex vic' &c. Monſtrauit nobis A. quod cũ B. nuper implacitaſſet in cur̃ nr̃a corã Iuſtic' nr̃is nup itinerant̃ in com̃ p̃dict̃ p̃f. A. & quoſdam alios de quadam tranſgr̃ eidem B. per p̃fat̃ A. &c illata, vt dicebat̃, de qua quidem tranſgr̃ idẽ A. per inquiſitiõ (in quã ſe poſuit coram prefatis Iuſticiarijs) conuictus fuit, per qd̃ p̃dict̃ A. carcerali cuſtodię extitit mãcipatus, in eadem moraturus quoſque nobis de eo quod ad nos pertinet in hac parte, & p̃f. B. de dãpnis ſibi adiudicatis fuerit ſatisfact̃, ac iam pref. A arrainauit per br̃e nr̃m retornabile coꝝ nobis &c. vbicunq; &c. quandam iuratam xxiiij. militum ad conuincend̃ iuratores inquiſitionis predict̃, & nobis ſupplicauerit, vt pẽdent̃ iurata p̃d̃ ſic coram nobis ipſum A. à p̃ſona qua ſic detineatur leuari faciamus, ita qd̃ eã proſequi poſſit ſecund̃ legẽ &c. Nos volentes prefat̃ A. in p̃miſſ. &c. ſubuenire, & pro eo qd̃ idem A. inuenit corã nobis in cancellaria noſtra certos manucaptores, viz. A. & B. de com̃ tuo, qui manuceperunt, videl't, quilibet eorum de ſatisfacien̄ tam nobis de eo qd̃ ad nos pertinet, quam pref. B. de dãpnis vt predicitur adiudicatis, ſi iurata predict̃ contra eam tranſierit, ſeu idem A. eam non fecerit proſecutus, tibi precipimus, qd̃ ipſum A. à priſona pred̃, ſi ea occaſione et non alia detineatur in eadem, ſine dilatione deliberari fac̃

per

per manucaptionem ſuprad', ita quod iuratam p̄d̄ proſequi poſſit, prout decet, & habeas coram p̄f. Iuſtic' ad diem p̄dict̄ hoc br̄e, Teſte &c.

¶ Et ſi home ſoit condempne en trñs, & le ptie prie Elegit, & Cap̄ eſt agard pur le Roy pur ſon fine, ore le Roy puit graunt Superſed' direct al vicont, q̄ il ſurceſſ. de luy prender per ceo Capias, entant q̄ le partie ſue & elect dauer ſon execution per Eligit. A

¶ Et ſi en trñs le partie def. agreé oue le pl' p̄ēd le briefe, ore il aña Superſ. direct al vic̄, que il ſurceſſ. de executer le proceſſe que eſt a luy direct: Mes ceſt agrément coment de appere de record̄ en le court, come ſemble. B

¶ Si hõe ſoit condēpne en trñs, & le def. ſue Attaint, et le pl' ſue execut̄ per Elegit, & Cap̄ pro fine eſt agard pur le Roy, ore le def. puit ſuer Superſ. en le Chaunc̄ de ceſt Cap̄, reherſ. en le briefe coñt le def. ad ſue attaint, & coñt le pl' ad ſue Elegit &c. command̄ le vic̄ a que le Superſ. eſt direct, q̄ ſi le ptie def. ſoy rend̄ al priſon, & la trouer ſurety al vic̄ de ſatisfier le Roy de ceo que attaint al Roy ſi &c. que adonqz il luy deliuer̄ del priſon per le dit ſuretie, ſil ſemble a luy q̄ ceo ſoit bon per ſon diſcretion. C

¶ Et ſi hõe ſue briefe de Vxore abducta cũ bonis viri, et Cap̄ ou Exig. ſur ceo agard, le ptie def. puit trouer ſuretie en chancerie, corpus pro corpore, dappeer̄ al tour, & ſur c̄ il aña briefe de Superſ. al vic̄ de luy leſſer alarge, ſil ad luy priſe. D

¶ Et iſſint ſur appeale de Rape, ſi le def. troue ſuretie en chancerie, corpus pro corpore, dappeer̄ al tour del briefe retorne, & de eſtoier a l'ley &c. il aña Superſ. ſur c̄ direct al vic̄ de luy leſſer alarge &c.

¶ Et iſſint ſi briefe ſoit grant hors de chanc̄ de attacher vn de trouer ſuretie de peace pur manaſſ. p̄ luy fait al auc̄, ore il puit mitter eins ſuretie en chanc̄ q̄ il gard̄ le peace, & ſur c̄ il aña briefe de Superſ. direct al vic̄ reherſ. ceſ matt̄, luy command̄ de leſſer alarge, ſil ad luy pris &c. E

¶ Et ſi hõe ſue Supplicauit hors de chancery de atreſt home pur trouer ſuretie pur le peace, le def. q̄ ſerra arreſt puit ſue Superſ. hors del chaunceric direct al vic̄ luy command̄ de ſurceſſ. &c. & le briefe ſerra tiel.

¶ Rex &c. ſalutem, Licet nuper ad ſupplic' M. nobis ſuggerentis I. eidem M. de vita ſua ac mutilatione membrorum ſuorum grauiter comminatum fuiſſe, tibi per br̄e noſtrum p̄ceperimus, quod ipſum I. coram te perſonaliter venire faceres,

ceres, & ipſum ad ſufficient̃ manucaptores inueniend̃, qui ipſum I. ſub certa pœna ſibi per te rationabiliter imponẽd̃, pro qua reſpondere volueris, qd̃ ipſe dampñ vel malũ aliqd̃ eidem M. non inferret, ſeu inferri procureret, cõpelleres. Et quod ſi hoc coram te facere recuſaueret, tũc ipſum caperes, & in priſona nr̃a de N. ſaluo cuſtodiri faceres, donec ſecu-titatem inuenerit in forma p̃dict̃, quia tñ R. & S. &c. coram nobis in cancell' noſtra perſonaliter comparentes manuce-per̃ pro p̃dict̃ I. qd̃ ipſe dampnum vel malum aliquod eidẽ M. de corpore ſuo non inferret, nec inferri procurabit, vide-licet, quilibet eorum ſub pœna xx. li. quas cõceſſer̃ de terris & catallis ſuis ad opus nr̃m leuar̃, ſi idem I. dãpnum aliquod eidem M. de corpore ſuo intulerit, aut inferri procurauerit: Tibi præc', qd̃ executioñ breuis noſtri p̃d̃ tibi in hac parte directi ſuperſ. per manucaptioñ p̃dict̃ &c. Teſte &c.

¶ Et ſi les Juſtic̃ de peace agrad̃ vn precept ou war-rant vers vn home pur troũ ſuretie al peace, or̃e ceſty ver; que le warrant eſt agard̃, poit trouer ſuretie en chancerie de agarder le peace &c. & ſur ceo dauer Surerſed̃ direct as Juſt c̃ de peace que ils ſurceſſ. &c. de luy prender &c. & ſur ceo les Juſtices deuer̃ ſurceſſ. de faire aſcun warrant vs luy apres, et ſi lo ont fait aſcun, q̃ ils deuer̃ agard̃ vn Supſ. direct al vic̃, luy cõmand̃ de ſurceſſ. &c. & le brieſe direct as Juſtic̃ de peace eſt tiel.

¶ Rex dilect̃ & fidel' ſuis Iuſtic' ſuis ad pacem noſtram in com̃ Berk, conſeruand̃ aſſigñ ſal' &c. Supplicauit nobis W. quod cum ipſe metuat ipſum ad proſecutionem T. per vos capi & arreſtari, ac grauiter impriſonari quouſque ſecurita-tem inuenerit, qd̃ idem W. dampnũ vel malum aliquod eid̃ T. de corpore ſuo non faciet nec fieri procurabit, velimus captioni & arreſtationi p̃d̃ per ſufficient̃ manucaptores ſu-perſedere iubere. Nos pro eo quod R. S P. & F. de com̃ W. in cancell' noſtra p̃ſonaliter conſtituti manuceperunt p ipſo W. qd̃ ipſe dãpñ vel malũ aliquod eidem T. de corpore ſuo nõ faciet, nec fieri procurabit, viz. quilibet eor̃ ſub pœna cẽt librarum, quas cõceſſer̃ de tris & catallis ſuis ad opus nr̃um leuari, in cauſa qd̃ dampnũ vel malũ aliquod eid̃ T. de cor-pore ſuo per p̃f. W. vel procuratioñ ſuã eueniat, ſupplicatioñ p̃d̃ annuentes, Vobis mand̃, quod captioni & arreſtationi corporis p̃d̃ W. ea occaſione faciend̃ ſuperſ. omnino p manu-capt̃ ſupradict̃ &c. Teſte &c.

¶ Et ſi la fẽe eſt en pauꝛ ou doubt de ſon baron, que il

voille

voile luy bate ou occir. &c. el poet ſuer ſupplic' en chancerie
vs ſon baron de luy faire a treſn ſuretie, que il ne bater ne
entret mes en honeſt maner, & pur luy ozdr & tuler, & cha-
ſtice reaſonablemt &c. & le bziefe tiel ¶Rex vic'. Supplicauit
nobis R. vxor I. B. quod cum ipſa de vita ſua &c. per pfat I.
B. grauiter & manifeſtè comminata exiſtat, velimus pro ſe-
curitate ipſius R. in hac parte puider, nos ſupplicationi pd
annuentes. Tibi precipimus firmiter iniungẽtes, qd ipſũ I. B
cor te corporaliter venir fac', & ipſũ ad ſuffic' mnnucapt in-
ueniend &c. vt ſ. quod ipſe pref. R. bene & honeſte tractabit
et gubernabit, et quod ipſe dapnũ vel malũ aliqd' eid' R de
ce corpore ſuo alit quã ad virũ ſuũ ex cauſ. regimiñ & caſti-
gation vxor ſuæ, licitè & rõnabilit pertinere, non faciat, nec
fieri pcurabit quouiſmod', compellas, & ſi hoc coram te &c.

¶ Et ſi hõe en Court baron en bre de Droit, ou en auk A
court, cõe en Lond, en bre de Droit vouch forreine a garr
ac ozr celly q̃ vouch poit ſuer Superſ. direct al court &c.
eux commaundñ q̃ ils ne pceder & le pl' tanq̃ le garr ſoit de-
termin &c. Quod vide en Regiſter ſo 5. fo. 11. & fo. 13. Et ſur
ceo il poit ſuer Al' & Pluſ & Attach. vs le baillie ou maire
de Lond vr, ſils ne voile ſurceſſ. &c.

¶ Et ſi hõe ſue Prohibic' al court eſpiritual & al plor, B
et ceo nient obſtant le Judge eſpiritual proceed & excom-
meng. le partie, & ſur ceo certifie en chanc bre de Excom-
municato capiend', eſt agard, ozr celly q̃ ſue le prohic poſt
auer Superſ. direct al vr reſeruant ceſt matter, luy com-
mandant q̃ il ne luy arreſter &c. & ſil ad luy arreſt, que il
luy deliuerer &c. Quod vide ſo. 67. en le Regiſt. Et poit auer
le bre de Superſ. hors de cẽ court, de quel court le prohibic'
fuit grant &c.

¶ Et ſi les Collectors de ſubſidie ou diſme, grant p le
Clergie, ſont excommenges pur leur contumacy p le Or-
din &c. certifie &c. & ſur ceo bziefe direct al vr q̃ il eux prẽd,
ozr ſil ſoit teſtifie en chancerie apꝛs per le ſoueraign de ceux
Collectors, q̃ ils ont ſatiſfie & ſubmit eux mes, donqꝛs ſur ceo
Superſ. ſerra direct de ſurceſſ. de eux arreſter &c. & ſil ad eux
arreſt, q̃ il eux deliuer.

¶ Et ſi Leueſqꝛ certifie excõmengement vs vn en cha-
cery pur contumacie en ſuit pendant vers luy &c. & ſur ceo
bziefe de Excommunicato capiend agard, ozr ſi lofficial a-
pꝛes certifie en chaunc per ſes letters q̃ le def. ad appeale
al court de Rome, ou a tiozs &c. ozr ſur ceſt certificatiõ il

auera

auer Superſ.al biſ̄,que il ſurceſſ. de luy pzendſ̄ pendant ce appeal, & ſil ad luy pzis ꝛc. que il donqz luy deliuer̄ ꝛc.

¶ Et iſſint ſi celuy q̄ e excōmenge mꝭe en chanc̄ lez letters le Pepe,teſtificant q̄ il ad appeal ꝛc. il aūa Superſ.direct al biſ̄,luy commandſ̄ de ſurceſſ. ꝛc. & ſil ad luy pzis per force del bzieſe de Excommunicato capiendo,q̄ il adonq̄s luy deliuer ꝛc. Quod vide en le Regiſter fo.68.

C ¶ Et ſi hōe pziſt home come ſon villein,& lauter ſue Repleg.de Homine repleg.& il luy claim̄ come ſon villein: oze ceſty q̄ eſt pzis poit mitt̄ ſurcette en chancery de luy rendſ̄ & ſes biens ſi ꝛc.& ſur ceo il aūa bzieſe de Supſ. direct a luy q̄ luy pziſt de ſurceſſ.de luy pzendſ̄.& ſil ad luy pzis ꝛc.q̄ il donqz luy deliuer̄ ꝛc.fo.79.& 80.

D ¶ Et ſi hōe tient pleé en county de trñs, q̄ eſt vi & armis &c.le def. poet ſuer en chancerie vn Superſ.direct al vicōt, ou as baill̄ del hundzed, ou le pleé eſt tenus, reherſ. q̄ pleé de treſpas vi & armis ne ſerra tenus en meindſ̄ court q̄ deuant le roy,ou auters Juſtices per ſon commaundement, qd̄ vide fo.111.

E ¶ Et ſur bziefe Derror ſue de iudgemēt dons en Londō ou aue court,le pty aūa Supſ.direct al Maire & biſ̄ ou aut officer ꝛc.de ſurceſſ.dexecution ꝛc. fo 129.

F ¶ Et ſi hōe ſoit diſtreine p̄ pees q̄ illera hozs deſchequer come exer̄ a vn accomptant la,il poit ſuer Superſ. en chanc̄ direct al Treaſur̄ e Barons deſchequer, ſubmett̄ q̄ il eſt exer̄ ne pleg pur cēp accōptant ꝛc.aux commandſ̄ q̄ ils ſurceſſ.ꝛc.tanqz ils ont inqre la veritie de ceo.

G ¶ Et auſſi bzieſe ē donc,ou les Barons ag.pzoces de diſtr̄ vers vn q̄ nad alcun tre de ceſty q̄ fuit accomptant, ꝛc.ſinon de ſon purchaſe, auant que il fuit accomptant,qd̄ vide en le Regiſter fo. 144.

H ¶ Et ſi le biſ̄ tiēt pleé de xl.s. le def. poit ſuer ſupſ. de ō direct al biſ̄ q̄ il ne pced̄ ꝛc.ou ayes iudg. il poit ſuer ſuperſed̄ direct al biſ̄ luy commaundſ̄ q̄ il ne exer̄ tiel iudg.& ſur c̄ Al' & Pluſ. Attach.quod vide fo.145.

¶ Et ſi hōe en le countie pur det de x.l.s luy due ſue ia en le court per diuers plaints,cheſcun plaint ſouth le ſum̄ de xl.s.ou le det eſt vn entier det d̄ x. l. oze le def.poit ſuer ſuperſ.direct al biſ̄, luy commaundſ̄ q̄ il ſurceſſ.de ten̄ plee ſur ceux diuers plaints ꝛc.eodem fol.

¶ Et iſſint ſi hōe ſue vn en le county deuant le biſ̄ p̄ couenant enfreint,q̄ eſt as damages de x.l, ou ouſter le ſum̄

de

de ꝛl.s. ou de cel ſum̃, donꝯ le def. poit ſuer tiel bꝛief de ſuperſ. direct al vic̃ q̃ il ſurceſſ. ꝛc. qđ vide en le Regiſt fo. 1.6.

¶ Et ſi hõe ſue Audita querel' de auoidc̃ leſtat deſtaple, A
ou ſtatut m̃chant il auera ſuperſ. direct al vic̃ que il ſurceſſ.
dereſ̃ pendant ceſt plee ꝛc. qđ vide 183.

¶ Nota q̃ le Conſtable de Douer, que eſt gardein des p. B
poꝛts, ne poit teñ plee de foꝛein choſe q̃ pteigne deſte en le
county determine, ſil ne ſoit pur choſe del gard̃ del dit caſtle
de Doũ, & ſil fait, le ptie aũa bꝛiefe a luy direct de ſurceſſ. &
ſur c̃ Al' & Plur̃ & Attach. ꝛc. & le bꝛiefe ſerra tiel.

¶ Rex dilecto & fideli ſuo B. Conſtabulario caſtri ſui Douer̃, & cuſtodi quinque Portuum ſuorum, vel eius locum tenenti ſalutem. Dum inter cæteros articulos, quos domin̄ Ed. quõd Rex Angliæ auus noſter, ad emend̃ populi regni ſui conceſſ. ordinarum ſit, quod Conſtabularius caſtri Douer̃ non implacitet ad portam caſtri p̃dicti, aliqđ placit̃ forinſec̃ de com̃, qđ nõ tangit cuſtodiã eiuſd̃ caſtri: ac vos quodd̃ pl'itum inter W. de C & H. de quodam debito, qđ idẽ W. à prefat̃ P. et qđ quidẽ placit̃ cuſtodiã caſtri p̃dicti non tangit, coram vobis ad portam caſtri illius teneatis, & ipſum P. ea occaſione per varias diſtrictiones inquietatis min̄ iuſtè, contra tenorẽ articulorũ p̃d', ſicut ex parte ipſi⁹ P. nobis datur intelligi: Nos articulos p̃d̃ inuiolabiliter obſeruari volentes, vobis mandamus, qđ ſi ita eſt, tunc de placito illo coꝝ vobis vlteri⁹ tenendo ſuperſedeatis omno, ipſumq; P. contra tenorẽ eorund̃ articulorum non moleſtentes in aliquo ſeu grauantes, & diſtrictionem, ſi quam &c.

¶ Et ſi le Conſtable tient plee dalt̃ choſe ꝛc. de q̃ il ne C
daneſ̃ tener plee, le partie aũa ſon action ſur leſtatute, comment q̃ il ne ſue alcun tiel bꝛief auant direct al Conſtable.

NOta q̃ pes leſtatute fait Anñ 2. Ed. 3. cap. 8. eſt oꝛdeine, D
Que mandemẽts ne ſoit per graund ſeale ne petit ſeale a
delaier cõmon dꝛoit, & meſꝯ tiels mandemẽts deign̄ ꝛc. que
per tant les Juſtic̃ ne ſurceſſ. de faire dꝛoit en nul point.

¶ Et auxy p̃ leſtatue Anñ 14. E. 3. cap. 14. les Juſtices
ne ceſſ. pur graund ſeale ne petit.

¶ Et p̃ ceo appiert, que les Juſtices le Roy pꝛocedeñ
accoꝛdant a la ley, nient obſtant q̃ tiels maundemẽts ſoient
a eux directes & deliuꝛes, et ſi le partie penſe en ſon cuer

que

que tiels mandements ſerra faits, donqs il poit auer briefe as Juſtic̃ ſur ce̅ ſtatute eux commaund de procedē, ment obſtant tiels mandem̃ts, & le briefe ſerra tiel.

¶ Rex dilectis & fidelibus ſuis W. &c. et ſocijs ſuis Iuſt. ad aſſiſ. in com̃ Salop aſſigñ ſalutem. Cum in parliamento noſtro apud̃ Northampton, an̄ regni nr̄i 2. conuocatio per nos p̃fatos, comites, barones, & alios magnates, ad rot̄ communit̃ regni noſtri in eodem parliamento exiſtentes concord̃ fuerit & ſtatutum, q̄d nō mandet̃ per magn̄ ſigill' noſtrum, nec per paruū ſigillū nr̄m, ad commune legē impediend̄ ſeu prorogand̄, et ſi talia mandata veniāt, qd̄ Iuſtic' ea de cauſa ad ſuſtic' fac' nullatenus ſuperſ. prout in ſtatut̄ p̄d̄ pleni continet̃: Vobis mandam̃, quod ad iuſtic' partibus in aſſiſ. nouæ diſſ. quā T. arraiauit corā vobis per breue nr̄m verſ. I. & A. vxor eius, et alios in breui noſtro originā contentos de tenīs in E. faciend̄, virtute alicuius mandati de magn̄ ſigillo & paruo ſigillo noſtro vobis directi ſeu dirigēd̄, nullatenus ſuperſ. contra tenorem ſtatuti ſuprad̄. Teſte &c.

¶ Mes il ſemble en baine de auer tiel brief, ſi les Juſtic̃ cōſider̃: lour ſerem̃t & lour duety al Dieu, & al Roy: Mes pur ceo que alcūs Juſtic̃ ſoient timorous, & ne voile faire chose q̄ poit eux turner en diſpleaſāce, ce̅ brief fuit ordaine come ſemble, & pur nul autr̄ cauſe, car le ſtatute fuit ſufficiēt en luy meſme, & le ptie poit aū en le fine del brief ceux poir. Sed ad captionem eiuſd̄ aſſiſę, put in iure & ſcd̄m legē & conſ. regn̄ nr̄i Angl' fuerit faciend̄ p̄ced̄. Teſte &c.

¶ Et per le ſtatute de Weſtm̄ 2. ſur iſſues ioine en common banke, ou banke le roy, il ſerra trie p̄ Niſi prius deuant meſmes les Juſtices en pais. ¶ Et per le ſtatute de finibus en temps de vacation, ceux iſſues ſerront tries deuāt vn de eux Juſtices, aſſocie a luy vn chiualer &c.

¶ Et p̄ le ſtatute de Yorke, vn Juſtice aſſocie a luy vn probe home, prendē Niſi prius, & trier̄ les iſſues ſurdits pris en le cōmon banke, ou en banke le roy, ils ne deloyē grand examinat̄ &c. come appiert per les ſtatutes. Mes en ceux caſes appiert per le Regiſter, q̄ le roy poit per ſon brief ceux reſtrainer, & commaund al Juſtic̃ q̄ ils ne agard Niſi prius, & ſils ont agard̄ alors brefe de Niſi prius, que ils maund̄ Superſ. &c. & le brief ſerra tiel.

¶ Rex Iuſtic' ſuis de banco ſalutem. Licet de communi conſilio regni nr̄i concord̄ exiſtat, & ſtatutum quod inquiſitiones & iurat̄ in placito terræ capiend̄, quę magnæ non

ſunt

sunt examinatiõ capiantur in patria coram vno Iust. placeæ vbi mot̃ existit, sociato sibi aliquo probo hominũ patriæ, milit̃ siue alio, ita qd̃ communis dies det̃ in banco & certi dies & locus dentur in patria in present̃ patr̃, & etiam quod inquisitio & iurat̃ in placito terræ magnã examinac' requirent̃ coram duobus Iust. de banco in form̃ p̃d̃ capiantur: q̃a tamen placitum, qd̃ est coram vobis in banco pred' p breue nostrum int̃ W petentem & T. tenent̃ de maner̃ de S. cum pertiñ in com̃ W. specialit̃ nos tangit, presertim cũ idem T. dictum maneriũ teneat ad t̃miñ vitæ suæ ex concess. nr̃a, & post mortem eiusd̃ T. id̃ manerium ad nos & hæred̃ nr̃os integre reuerti debet: volentes indempnitati nr̃æ ꝓspicere in hac parte vobis mandamus, qd̃ si ad inq̃sic' inde capiẽd̃ ꝓcedere vos conting. tunc hm̃i inq̃sic' cor̃ vobis in banco p̃d̃ & non alibi capiatis, concordia & statuto p̃d̃ nõ obstantibus: & si inquisic' inde per breue de Nisi prius capi demãdaũitis, tunc inquisic' illi in patria capiend̃ supersederi demandetis, Teste &c.

¶ Et est auter forme de brief de cest matt̃ en le Regist.

¶ Et Michaelt̃ 32. H. appt q̃ il ẽ en discret̃ des Iustic̃ sil voit̃ grant̃ Nisi prius ou non, & per autiel reason le roy per son discretion & per son brief direct as Iustic̃ poet restraine cco. M

¶ Et q̃ Nisi prius ne serra grant lou le roy est pty sans especial garranty de roy ou assent de attorney le roy, nient obstant les statutes auantdits.

151 ¶ Briefe sur statute fait pur seneschal & marshal de roy, que ils ne tener plee, sinon &c.

VIde per lestatute articuli super cartas cap. 3. que le seneschal & marshal ne teneṫ nul plee de frankt̃, ne nul plee de trñs forsq̃ tantsolemt̃ de trespas fait deins lhostel le roy, & autres trespass. fait deins le berge, & de contracts et couenants que ascun del hostel le roy añs fait al autr̃ de m̃ hostel et en m̃ lhostel et nemy ailours & nul plee de trñs piedront auter q̃ ne soit attach. per eux auant que le roy, issera hors del ẽge ou le trespas serra fait, issint q̃ ilz sont t̃mines auant que le roy issera hors del bonds de icel ẽge ou le trespas fuit fait: & si ils ne poient estre t̃mines en cy, cessent les pl̃, & soient al commũ ley. Et le seneschal̃ ne prent̃ conus. des dettes dauṫ home forsq̃ des gẽts de m̃ lhostic, B

ne nul aūt̄ plee teigñ de obligaū̄ &c. & sils face encount̄ ceo ordinance soit tenus pur nul: & le court de Marshalsey ne le iurisdiction dicel ne excedra xij. lieus a counter entour tonel le roy, per le statute fatt anno 13. R. 2. cap. 3. ¶ Et home auera auerm̄t en action port vers luy en le court le seneschē & marshal, que il ne fuit del hostle le Roy al temps del tresp̄as ou contract fait, ou q̄ le pl̄ ne fuit del hostle le roy a ceo temps.

¶ ¶ Et si hōe soit sue en court le seneschal & mshal encounter ceo estaū̄, donqz cestuy q̄ est greue aūa tiel briefe.

¶ Rex Señ & mareschallo hospicij sui salutem. Cum inter ceteros articulos, quos dominus Ed. quond̄ Rex Angliæ auus nostr̄ ad emendation̄ status populi sui concessit, ordinatum sit qd̄ señ & mareschallus hospicij nostri non teneant pl'ita de libero tenemento, de debito, conuentione, transgr̄, seu contractu hominum populi, nisi tantūmodo de transgr̄ hospicij nostri & alijs transgr̄ infra virgam, & de contractibus & conuentionibus, quos aliq̄ de eodem hospicio alijs de eodem hospicio fecerint, & in eodē hospicio, & non alibi: ac iam ex querela A. & B. acceperimus, qd̄ vos ad prosecutionem I. de L. placitum inter prefat̄ A. & I, q̄ de eodem hospicio non sunt, vt dicitur, de quod̄ debito, qd̄ idem A. de prefato I. exigit, tenetis corā vobis, in ipsius A. dampnū non modicū & grauam̄, & contra formam ordinationis p̄d̄: Nos igitur volentes dictā ordinationē in omnibus & singulis suis articulis obseruari, vobis mandamus, qd̄ si ita est, tūc de placito illo coram vobis vlterius tenendo supersedeatis omnino, ipm̄ A. contra tenorem ordinationis p̄d̄ non molestantes in aliquo seu grauant̄, & districtionē, si quam &c. Teste &c.

D ¶ Et si le plee soit cōmence lopalm̄t dauāt le seneschal & marshal del hostle le roy deins le bierge, & deuāt q̄ le plee soit determine, le roy remoue, ore cest plee est discontinue per cest remouem̄t, & donqz coulent al partie de commencer son suit al common ley, & nemy deins le bierge, deuant le seneschal & marshal &c. & sil fait, pty greue auera vers luy tiel briefe.

¶ Rex seneschō. & mareschall' hospicij sui salutem. Cū int̄ ceteros articulos quos dñs Ed. quondam Rex Ang. auus noster ad emendationem status populi sui concessit, ordinat̄ sit qd̄ seneschō & mareschall' hospicij nostri non teneāt placitū de libero tenem̄to, de debito, de conuentione, seu contractu

tractu hominum populi, nisi tantūmodo de transgr̄ hospicij nr̄i,& alijs transgr̄ factis infra virgam, & de contractibus & conuentionibus quos aliqs de dicto hospicio fecerit alteri de eodē hospicio, & in eodem hospicio, & nō alibi,& nullū placitum de transgr̄ pl'itēt aliud,qđ nō sit attachiatū p eos tanquā nos exim⁹ virgam, vbi transgr̄ facta fuit,& pl'itū illud celerir̄ de die in diem pl'tēt & t̄minent, ita qđ pl'itēt & t̄minēt anteq̄ exeamus eand̄ virgam vbi transgr̄ facta fuit, & si forte infra bondas illius virgæ t̄minar̄ nō poterint,cessent hm̄di placita coram seneschall' & mareschall' & sint q̄rentes ad cōem legem. Ac iam ex graui q̄rela A.& B.accepimus qđ vos ad sectam R.de B.ipsos &c.ad resp̄ corā vobis p̄đ R.de quad' transgr̄ eid̄ R.p p̄f. A.& H. infra virgā nr̄am apud E.anno &c. 12. facta vt dicitur, qđ q̄đ pl'itum p vos attachiatū non fuit antequā virgā ill' exiuimus,distringitis, & ipsos ea occasione multiplicit̄ inquietatis minus iuste in ipsorū A.& B. despendium non modicum & grauamen, et contra tenorem articulorum p̄đ. Nos igitur volentes dictā ordinatiōn in oībus & singulis suis articul' inuiolabilit̄ obseruari,vobis mandam̄ qđ si ita est,tunc ipsos A.& B. ad resp̄ corā vobis de hm̄di transgr̄ nullatenus distringatis,sed de pl'ito illo coram vobis vlterius tenend' omnino supers.& districtionem si quā &c. Teste &c.

¶ Et si hōe sont sue p pleint, deuant le senes.& mareſt̄ le roy, lou il nest de hostel le roy, & il plede & affirme le iurisdiction del court, & le matt̄ adiudge ōs luy, vncore il auer̄ action sur le statt̄ ōs le pty q̄ luy sue la, qđ vide ¶.3.H.6. en title Destoppel. A

152 ¶ Briefe de Certiorari a remouer records &c.

BRiefs de Certiorī de remoū records hors de vn court en autr̄, sont en diuers formes,& le forme de briefe de remoū le record de rediſſ.est en tiel manner: B

¶ Rex vic' &c. Quia quibuslibet certis de causis Certiorī velimus super recordo & ꝓcessu cuiusdem inquisitiōn factæ coram te & custodibus placitorum coroñ nostræ in comit̄ tuo apud N. per breue nostrum super quadam rediſſ I. per R.fact̄ vt dicitur, de vno mesuag. cum pertin̄ in N.tibi præcipimus,qđ si iudicium inde redditum sit,tunc recordum & processum pred̄ cum omnibus ea tangentibus nobis sub sigillo tuo distincte & aperte mittas, & hoc breue,Ita qđ &c.

vbicunq; &c. vt inspectis rec' & ꝓcessu ꝓd' vlteriꝰ inde fieri fac' qd' de iure & scd'm legem & consuetudinē regni nr̄i Angl' fuer̄ faciend', Teste, &c.

¶ Et il puit remouer post disseisin &c.

¶ Et si hō̄e soit attaint en rediſſeis. ou postdiſſ. & nad ẏre ne chatels deins m̄ le com̄ diſtr̄ mis ē execuc̄, donqz il puit remoū cest record̄ p̄ Certior̄ en banke le roy, & la daū executiō̄, & il puit remoue un recouer̄ en ass. de no. diſſ. ē bāk le roy per Certior̄ en semble manñ, mes le bziek de Certior̄ dit. Si iudiciū inde reddit̄ sit, tunc record' & ꝓcess. &c. *vis.* Per q̄ appiert, que il conient q̄ le iudgem̄t soit doñ en lass. &c. autrem̄t sēble q̄ il nau̇a le bziek, car le Certior̄ est sue de remoū le record̄, al intent q̄ il puit suer exec̄ sur ceo, quāt il est remoue en banke le roy, car la ils potent agard̄ p̄ en chesc̄ countie de exec̄ cest record̄.

D ¶ Et si hō̄e recoū terre sur ass. de no. diſſ. & le def. voile suer certifi'c̄ deuant auters Just. donqz il conient au̇n Certior̄ direct as Just. dass. de certifier lour record̄ as nouels Justices, q̄ ten̄ ple sur le bziefe de Certificat, & cest parol, sine dilatione &c. ne serra mis en alcun bziek q̄ ad certain iour de retorn̄.

E Et si hō̄e recoū per ass. de no. diſſ. & le party def. voile suer attaint deuant auters Just. donqz il conient au̇n Certior̄ direct as Justic̄ dass. de certifier cest record̄ dass. Si iudicium redditum sit.

¶ Et si hō̄e recouer deuant Just. errantez per ass. de no. diſſ. lauk̄ pty puit auer act̄ deuant auters Justic̄, & auera Certior̄ as Just. errantes de maund̄ le record̄ deuant les auters Justices.

F ¶ Et le roy puit mand̄ s̄ bziek de Certior̄ as treasuroz et chamberlains deschequer, de certifier le record̄ de ass. q̄ ē en le treasurie en lour custody al roy en son banke &c.

¶ Et est auk̄ bziek de Certior̄ direct as treasuroz & chāberlains del eschēqr de certifier le record̄ de ass. q̄ fuit pzis mes le iudgem̄t ne fuit doñ, pur ceo q̄ le def. mozust &c. mes sēble q̄ cest bziek ē de petit effect, car per le mozt le def. deuant iudgem̄t le bziek est abate en fait.

G ¶ Et si hō̄e voile suer act̄ sur recoūy en ass. de no. diſſ. le q̄l record̄ del assize est en treasurie &c. donqz cēy q̄ voit sue cest act̄ conient suer Certior̄ direct al treasuroz & chamberlaines del eschēqr de certifier cest record̄ del ass. deuant les Justices, de iant q̄r lattaint est sue &c.

¶ Et

¶ Et si hõe recõ en ass. de nouel diss. dam̃ &c. & deuant q̃ il ad execution des dam̃, le record est mand en le treasury, donqz il poit suer Certiorã as treasuroz & chamberl' de certifie cest record del recoũp en lass deuant le roy, q̃ il sur ceo puit agard exec̃ des dam̃. A

¶ Et si hõe recoũ en ass. de freshforce tres & dam̃ &c. & le def. ned riens de satisfier les dam̃ deins m̃ le citie ou borough &c. donqz le pl' poit suer Certiorã direct al maire ou baillie de certifie cest recoz̃d deuãt le roy en son bank &c. q̃ il poit faire exec̃ des dam̃ recouer̃ &c. B

¶ Et si le roy fait retinplons Just. dass. &c. en vn com̃, et puis al auk ass. il fait auk Justic̃ en m̃ le com̃, oze vn geñal Certiorã serra sue a les aunc̃ Just. de certifier touts les recoz̃ds des ass. & iuries que sont apzend̃ en ceo com̃, a les nouels Just. dass. &c. C

¶ Et en ass. de no. diss. si le verdict passe p̃ le pl', & deuãt iudg. doñ nouel commiss. est fait as aukes Just. dass. en ceo com̃, oze le pty pur q̃ le ẽdict pass. ẽ lass. puit suer Certiorã de remoũ cest recoz̃d en banke le roy de aũ iudg. done la sur ẽ ass. & ẽdict passe, ou puit suer Certiorã a les anc̃ Just. de faire veñ cẽ recoz̃d del ass. deuãt les nouels Just. q̃ ils poiẽt doñ iudg. sur ceo &c. & il coniẽt suer auk bẽ a les Just. q̃ ils receiuer̃ cest recoz̃d, & q̃ ils pceed̃ al iudg. &c. & qñt l recoz̃d de assise ẽ remoue aps ẽdict doñ deuãt aukes Just. & ils deser̃ de pced̃ al iudg̃ sur le ẽdict, le partie pur q̃ iudg̃ ser̃ doñ poit suer bẽ a eux direct, qd̃ receptis & visis record̃ & pcess. & p̃dict̃, q̃ ils pceed̃ al iudg &c. & sur ẽ sẽbl' q̃ le pty poit suer Al' al Just. & Plur̃, vel causã nobis signific' &c. & sils ne voile riẽs fair, sil aũa attach. vers le Just. est vn question: car est vn estak fait anno E. 3. ca. que poit, q̃ commissiõs ẽ cspeꝛ case limit̃ per lestat, serra pumes p̃ lour misfait &c. mes semble q̃ ils ne serra sinon p lestat q̃ est fait pur cẽ cause solem̃t. D

le remoue bre. pur vne Justice de nisi prius

¶ Et añ 27. E. 3. en le ass. vn Justic̃ fuit endict de ceo q̃ il cause vn indictm̃t q̃ fuit troue de trñs, dẽc entre ẽ le recoz̃d de felonie &c. & ceo fuit adiudg. vn void indictm̃t, pur ceo q̃ fuit de anienc̃ le recoz̃d &c. mes vncoze semble que il puit este indict pur pzisel de money ou auk fauxtm̃, que ne defait le recoz̃d &c. Quære. E

¶ Et hõe poit aũ bziefe as m̃s les Just. deuant q̃x le ẽdict pass. &c. de pced̃ ad iudg. &c. cibñ cõe il aũa le bziefe as aukes Just. deuant q̃x le recoz̃d est remoue. F

G ¶ Si hõe en aſſ. de no. diſſ. ou auꝛ acõ real deuãt Juſt. errants vouch. vn a garꝛ, q̃ enter mainteñ, & puis pde &c. oꝛe le pl̃ reꝛ & le tenant aſſa mdg de reꝛ oulſt en vaſt vs le vouche, & puiz ceſt recoꝛd eſt mandꝫ en trealurie, oꝛe ſi ceſty q̃ reꝛ en vaſt voiſt ſuer exeꝛ en vaſt, il couiẽt ſuer certioꝛ as treaſ. & chamberſt deſch^q̃r de certifier ceo reꝛ del aſſ. en chanꝛ, & quãt il eſt certifie la, le roy mandꝫ ceſt reꝛ en cõmõ banke p vziſe de Mittim̃, & ſur ceo les Juſt. la agardꝫ Scire fac' vs pty, vers que le reꝛ en vaſt fuit cõ, de vener & a monſtre pur q̃ exeꝛ ne ſerra fait en vaſt.

H ¶ Et hõe poit ſuer Certioꝛ direct as Juſt. daſſ. de remoũ les recoꝛds del aſſ. en chanꝛ, & auxy vn fait q̃ eſt dedit deuant eux &c. & apꝛs il poit ſuer vn vziſe de Mittimus as no. Juſt, daſſ. de ceux recoꝛds & de ceſt fait q̃ reñ deuaunt les auters Juſt. come dedit.

I ¶ Et ſi baron & feme ſue obl̃ fait al feme en cõon bank, et les faits ſont dedits la, p q̃ ils reñ en le cuſtody des cuſtos breuium, oꝛe ſi le baron deuy, la feme poet ſuer bꝛ hoꝛs de chanꝛ direct al officer, q̃ eſt cuſtos breuium en le cõmon bank, q̃ il deliuer̃ les eſcripts &c. al feme, pur ceo q̃ le pl̃ eſt determine per la moꝛt le baron.

¶ Et q̃nt les Juſt. en eyꝛe veneꝛ, & ſeera an aſcun coñ p commiſſ. le roy, donq̃ ſerra vziſe mandꝫ as Juſt. de common banke de adioꝛñ et maundꝫ touts les plees de ceſt coñ q̃ ſont en le comon bank deuant les Juſt. en eire deſtꝛ termines deuant eux, & ſi les Juſt. en eire ne poient determiñ ceſt pl̃ auãt lour departꝛ de ceſt coñ, donq̃ ſerra vziſe de Certioꝛ mandꝫ as dits Juſt. en eire de remandꝫ ceux recoꝛds & pl̃s q̃ ne ſont determiñs & iudgements dones en le common bank arere: & le vziſe ſerra tiel.

¶ Rex dilecto & fideli ſuo S. ſaluꝫ. Cum loq̃la q̃ę fuit coꝛ Iuſt. noſtris de bãco per bꝛe nr̃um inꝛ S. petent̃ & I. tenent̃ de vno meſuag. cum pt̃iñ in T. in coñ N. vna cũ breui pred̃ coram vobis & ſocijs vr̃is nuper Iuſt. nr̃is itinerant̃ in coñ pred̃ miſſa fuiſſet placitanda, ac placitum illud q̃buſd̃ cert̃ de cauſ. in itinere p̃d̃ remanſerit in diſcuſſũ, abſq; hoc qd̃ id̃ placit̃ alicubi adiornat̃ fuiſſet placitand̃, der quod ex parte ipſius S. nobis eſt ſupplicat̃, vt ſibi in premiſſ. iuſtic' facere velimus, nos ea de cauſa attendentes expediens fore, qd̃ Iuſt. nr̃i de banco ſuper record̃ & ꝓceſſu loquelæ p̃d̃ cor̃ vobis & pref. ſocijs veſtris in itinere pred̃ certiorent̃, vobis mandamus qd̃ record̃ & ꝓceſſ. p̃d̃ vna cũ br̃i p̃d̃ & oĩbus

alijs

alijs ea tangentibus, ꝑf. Iuſtic' nr̄is de banco ſub ſigillo vr̄o diſtinctè & aptè ſine dilatione mittatis & hoc br̄e, vt hijs inſpectis vlter̄ ꝓceđ in loquela ꝓđ ſcđm legē & conſ. regni nr̄i valeant, Teſte &c.

¶ Et ſi aſſ. ſoit pozt en banke le roy de no. diſſ. & le t̄ all̄ & plede, q̄ ē vn bzief de plus haut nat̄ pendū en le common bank de m̄ cē terre, ent̄ le pl̄ & le def. donq; ſils ſont al iſſue, ſil y ad tiel recozd pendū ou nō, le def coulent ſuer Certiorari hozs del chancery as Juſtices de comon banke de remoū & certifier de ceſt recozd en le chanc̄, & ſur le recozd certifie en le chanc̄ il aūa bzief de Mittimus hozs del chanc̄ as Inſt. de banke le roy, oue q̄l bzief le roy manū en banke le roy, le tenoz de ceo recozd q̄ eſt ia, & le bzief de Mittimus ſerra tiel. A

¶ Rex dilecto & fideli ſuo R. de W. & ſocijs ſuis Iuſtic', ad placita coram nobis tenenda aſſign̄ ſalutem. Cum R. P. nuper arrainauit quandā aſſiſam nouæ diſſ. coram nobis apud Weſtm̄ per br̄e nr̄m verſus B. de teñtis in A. & duo meſuag' tres carucatas terræ, viginti acras prati, cum ꝑtiñ in eadē villa in viſu poſuiſſent, idemq; H. placitand̄ in aſſiſa illa allegaſſet, quod br̄e de altiori natura tunc & diu ante pēdebat inter partes predict' coram dilectis & fidelibus noſtris W. & ſocijs ſuis Iuſticiarijs noſtris de banco, & record̄ & proceſſ. inde corā ꝑfatis Iuſtic' noſtris de banco habita ad warrantū vocaſſet, vt accepimus: nos attendent̄ expediens eſſe & neceſſe, quod vos ſuper tenorem, record̄ & proceſſ. ꝑdict̄ corā ꝑf. Iu. de banco habitorū certioremini, tenorē illū quē corā nobis in cancel' nr̄a venire fecimus, vobis mittimus ſub pede ſigilli, mandant̄ qđ inſpectis record̄ & ꝓceſſu ꝑđ vlterius fieri fac' qđ de iure & ſcđm legē & conſ. regni nr̄i fuerit faciend̄. Teſte &c.

Et ſi hōe recoū en aſſ. deuant Juſtic̄ daſſ. en le countie & deuant execūt̄ ſue des dam̄ recoū le recozd eſt remoue en chanc̄ p Certior̄: oze ceſty q̄ vet̄ en laſſ. poit ſuer vn bziefe de Mittimus de manū le recozd en bank le roy eux cōmanū de ꝓceđ & faire exet̄, & le bzief eſt tiel. B

¶ Rex dilectis & fidel' E. & ſocijs ſuis Iuſtic' nr̄is ad pl'ita corā nobis tenēđ aſſign̄ ſalutem. Cum I. per recogn̄ aſſ. no. diſſ. quā W. arraiñ cor̄ B. & ſocijs ſuis nuper Iuſtic' dñi Ed. quondā regis Angliæ aui noſtri ad aſſ. &c. aſſign̄ verſus R. & alios &c. de teñtis in T. recuperaſſet ſeiſinam ſuam de vno meſ. cum ꝑtiñ in D. per conſideř cur̄ predict̄, & dampna ſua, quę ad x. l. taxabantur,

ſicut p̄ record̄ & ꝓceſſ. aſſ. p̄d̄, q̄ corā nobis certis de cauſis venire fecimus plenius apparet; ac executio iudicij quæ ad dampna recupanda adhuc reſtat faciend̄, ſicut ex parte ipſius I. nobis dat̄ intelligi: nos igitur volent̄ dictum iudic' execut̄ debite d̄cari, recordū & ꝓceſſ. p̄dict̄ vobis mittim̄ ſub pede ſigill' nr̄æ mandantes, q̄d viſ. record̄ & ꝓceſſ. p̄d̄ vlter̄ quoad exec' iudic' p̄d̄ fieri faciatis, q̄d iur̄ & ſcd̄m legem & conſ. regni nr̄i fuerit faciend̄, T. &c.

C ¶ Et ſi hõe ret̄ t̄r̄ p aſſ. de no. diſſ. deuant Juſt. daſſ e le dek. ad bꝛieke de Warr̄ cart̄ pēd̄ deuāt Juſtic̄ de bank, le pty dek. poit ſuer vn bꝛief de Cerc' a rem̄ cē ret̄ d̄ aſſ. en le chāc̄, e ſur c̄ il aũa vn Mittimus de c̄ recoꝛd̄ del aſſ. as Juſtic̄ de cõmon bāk, e en le fine del bꝛe ſerra dit, vt hijs inſpectis ſecuri⁹ ꝓcedere valeat in pl'ito warrantiæ p̄d̄ ſcd̄m legē &c.

D ¶ Et en Aſſ. de no. diſſ. ſi le t̄ pled̄ 2. ou 3. recoũes en aut̄ aſſ. deuāt auts Juſt. le q̄l recoꝛd̄ eſt en le treaſurie &c. oꝛe ſi ceſt recoꝛd̄ ſoit dedit, p q̄ il ſue Cerciorari al treaſuroꝛ e chamberlains deſchequer de certifie en chancery ceux recoꝛd̄ a certain iour: oꝛe ſi ilz certifie en chanc̄ al iour aſſ̄ recoꝛd̄, mes ils certifie ouſt̄ q̄ ſont pluſoꝛs auts rolles de m̄s les Juſtic̄ rem̄ en le treaſury en le Tower de Lond̄, iſſint q̄ ils nont fait plein ſearch des recoꝛds: oꝛe ſur c̄ le roy manꝺ as Juſtic̄ daſſ. s̄ bꝛieke reherſ. tout ceſt matter, eux commanꝺ de continuer ceſt aſſ. tanque al aut̄ iour, iſſint q̄ le dek. ne pꝛend̄ dam̄ pur failer de ceo recoꝛde, e ceo ſemble reaſonable.

E ¶ Et ſi hõe ſoit obl' en ſtatut̄ de ſtaple de paier certaine ſumme a certaine iour: oꝛe aps le iour paſſe le party q̄ ad lobl' e le ſtat̄ poit bener al maire del ſtaple oue lobl', e luy monſtre ceo, e luy pꝛia de certifie ceo en le chanc̄ &c. e ſi le maire ne voile ceo faire, donqꝫ le partie q̄ ad lobligat̄ poit ven̄ en chanc̄, e m̄c lobl' la, e pꝛier bꝛe de Cercior deſt̄ direct al maire del ſtaple de certifie ceſt inrolm̄t del ſtat̄, &c. e ſi le maire retoꝛne ſur ceſt bꝛ q̄ il ad auterfoits certifie ceo en chancery deuant ceſt temps, come appiert per le inrolment fait deuant le maire &c. oꝛe ſi ne appiert aſcun tiel certificat fait de recoꝛd en chancery e la remainant de recoꝛd, donqꝫ ceſty que ad lobligation del ſtatute poit ſuer nouel bꝛieke de Cerciorari direct a m̄ le maire recitant en meſme le bꝛieke, que neſt aſcun tiel certifie de recoꝛde ent̄ en le chancery &c. luy commanꝺ de certifier ceſt inrolment del ſtat̄, que eſt deuaunt luy, et ſur ceo il poit ſuer Al' et

Plur̄

Plur̃ vers le maire, sil ne voile certifie cẽ, & aps Attachm̃t vers le maire, sil ne voile certifie cest, le q̃l serra direct al viconte &c.

¶ Vziese de Cercior̃ est bẽ original, q̃ issist ascun foits hors del Chanc̃, & ascun foits hors de banke le roy, & gist lou le Roy voit̃ estre certifie de asc̃ record q̃ est en treasury, ou en cõmon banke, ou en ascun auter court de record, ou deuant le vic̃ & cozoners, ou de record deuant cõmissioners remainant, ou deuant eschetors, donqz le Roy poit maund cẽ vziese al asc̃ des dits courts ou officers de certifier tiel record deuant luy en son banke, ou deuant luy en le chanc̃, ou deuãt auters Justic̃ la, ou al Roy pleist dañ ceo certifie, & cesty ou ceux a q̃ ou a q̃ux cẽ vziese de Cercior̃ est direct, conient maund m̃ cest record accordant al tenoz del dit vziese, & cõe le vziese luy cõmand: Et si ils fail̃ de ceo faire, donqz serra Alias ag̃, & aps Plur̃, vel Causã nobis significes, & sur c̃ aps Attach. sils ne ret̃ le Plur̃, & bon cãe pur que ils ne c̃ ne maund cel record. A

¶ Auxy le roy poit p tiel vziese de Cercior̃ mand pur le tenoz del record, ou pur le tenoz del tenoz del record a son clerc̃, & ceux bẽes conient estre obeis, & le recordes maund cõe le vziese a eux command de faire, & le forme de ascun de ceux vziefs cy ensuit. ¶ Rex dilecto & fideli suo R. salutem. Quia quibusdam certis de causis certiorari volumus sup record & proces. vtlag. in I. in com̃ T. ꝓmulgat, & coram vobis & socijs vr̃is Iustic' nr̃is ad diuers. felonias in com̃ pred audiend & tmiñ assign retornat: Vobis mand, qd tenor̃ record & ꝓces. p̃d, *vel sic*: tenorẽ record & ꝓces. vtl' p̃d cũ oĩbus ea tangẽt nobis in canc' nr̃a sub sigillo vr̃a distincte & apertè sine dilatione mittatis, & hoc br̃e, Teste &c. B

¶ Et pur certifier vn indictm̃t & pris. fait deuant Justic̃ en eire, le forme est tiel. ¶ Rex &c. Quia sup p̃sentation factã cor̃ vobis & socijs vestris Iustic' nr̃is itinerant in com̃ Lincoln̄ de morte A. vnde B. captus & detentus in prisona nostra de N. rectatus est, et etiam super inquisicion̄ inde cor̃ vobis ibm̃ fact, quibusdã certis de causis volum̃ certiorari: vobis mandamus, qd irrotulationem presentat̃ & inquisitionis pred nobis sub sigillo vestro distinctẽ & apertẽ sine dilatione mittatis, & hoc breue, Teste &c. C

¶ Et est auter forme del vziese direct as Cozoners.

¶ Rex Coronator̃ suis in com̃ Lincoln̄ salut̃. Quia quibusdam certis de causis, certiorari volumus super record D

& proceſſu cuiuſdam appell', qđ W. nuper ꝓbator defunct' fecit verſus S. de quadã roberia, quam idem W. & B. in cõm &c. ad inuicem feciſſe dicebantur: vobis precipimus, quod record' & proceſſ. eiuſdem appel', cum omnibus ea tangentibus, nobis ſub ſigillis veſtris &c.

¶ Et cẽ bꝛief giſt lou hõe deuant Juſtic' deuient appꝛoũ, & le Cozoñ aſſigne a luy de faire ſon appꝛoueñt, & puis le appꝛoũ deute, oze le roy poit eſcrier al cozoñ pur mandũ a luy cẽ recozd de appꝛoueñt &c

E **¶ Et auter ſoꝛme de Certioꝛ direct al Maire & viꝯ de Londõ** ¶ Rex Maioꝛ & vic' Londñ ſaluꝫ. Quia q̃dã negotia per appel', indictamenta, & attachiñt coram vobis in ciuitate predict' Londñ nuper intrata nondũ terminãt', & quędã inquiſitiones in eadem ciuitate factæ fuerint retornat', quoꝝ quidem negotiorum inquiſitiones, record', & proceſſ. penes vos reſident vt dicitur, & quæ oĩa per dilectos & fideles noſtros B. C. & D. Iuſtic' nr̃os ad diuerſas trãſgr̃ in ciuitate p̃d' fact' audiend' & terminand' aſſigñ expedire volumus, & finaliter terminari: vobis mandamus qđ p̃d' record' & ꝓceſſ. cũ oĩbus ea tangent' p̃f. Iuſtic' ſub ſigillis &c.

F **¶ Et ſi le roy per vertue de aſcun bꝛieue de** Certioꝛ re**moue aſcun recozd deuant aſcun de les Juſtic', il poit aps maund̃ pur ceſt recozd, & remoue ceſt deuant luy, ou deuãt auter Juſtice a ſon election, & le bꝛief donqz eſt tiel.**

¶ Rex &c. Quia quibuſdam certis de cauſis certiorari volumus ſuper record' & ꝓceſſ. cuiuſdã inquiſitionis capt' corã dilectis & fidelibus noſtris W. & P. Iuſtic' noſtris ad gaolem noſtram de N. aſſigñ deliberand', pro morte E. vnde C. pro morte p̃d' rectatus fuit vt dic', q̃ quid' record' & ꝓceſſ. corã vobis certis de cauſis venire fecimus, q̃ penes vos reſident vt dic': vobis mandamus, qđ record' & ꝓceſſ. p̃d' cũ oĩbus ea tangent', nobis ſub ſigill' vr̃is diſtinct' &c.

G **¶ Et qñ̃ le roy voile eſtre certifie de vtlaꝛ q̃ eſt en le coũty, donqz le bꝛief de** Certioꝛ **ſerra direct ſibñ al viꝯ cõe as Cozoñs del coñ, de certifier ceſt. Mes ſi hõe ſoit condempne en banke le roy, & puis vtlage pur le fine le roy ſur ceo condẽpnation: oze ſil voit fuer pdon del vtlaꝛ il conuẽt aũ** Certioꝛ **hoꝛs del chaunc' direct al chiefe Juſt. del banke de certifie ceſt recozd de ceo condempnat', le q̃l ſerra tiel.**

¶ Rex dilecto & fideli ſuo I. &c. capitali Iuſtic' ſuo ſaluteꝫ. Cum E. de quadam tranſgr̃ F. vi & armis facta coram nobis conuictus, & pro eo quod non venit coram nobis ad ſatisfacien' nobis de redemptione ſua, q̃ ad nos pertinet in hac

parte

parte, & prefat F, de dãpnis sibi in hac parte adiudicat in exigend̃ posit̃ fuisset ad vtlagand̃, & ea occasione postmodum vtlagat, quæ quidem vtl' coram nobis iam est retornata vt accepimus, ac idem E. nobis supplicauerit, vt cum ipse p̃f. F. de dãpn̄ suis p̃d̃ iam satisfecerit velimus ei vtlag. p̃d̃ gratios. pardonar̃: uos ea de causa certior̃ volent̃ sup̃ record̃, & p̃cess. vtlag' predict̃, & si id̃ E. prefato F. de dampn̄ p̃d̃ satisfecerit (vt dictum est) necne: Vobis mandamus, qd̃ nos sup̃ p̃miss. sub sigill' vr̃o distinct̃ & apte &c. reddatis certior̃.

¶ Et si hõe soit indict deuaunt Just. de gaole deliuerie de felonie, & puis acquite de ceo, ore si cesty q̃ est issint acquite de ceo, luy doubt destre en trouble per reason de ceo indictment, il puit suer Certior̃ de remoũ cest record, & p̃ del inquisic̃ &c. en le chanc̃ &c. A

¶ Et si hõe recou̇ deuãt Just. doier & termin̄ del oudam̄, & nad sue exec̃ de c̃, il puit remoũ ceo record & p̃ces &c. en bank le roy, & la de suer execuc̃ & scire fac' sur cest record. B

¶ Et si hõe recou̇ dam̄ de trins deuant Justic̃ doier et terminer, & ad le ptie en execuc̃ p̃ force de cest iudgem̄t, ore si le partie q̃ est en execuc̃ deuie en pr̃ison, cẽy q̃ recou̇ puit suer Certiorar̃ ãs Justic̃ de remoũ cest record en bank le roy, q̃ les Justic̃ la poient faire sur ceo record, come la ley voit en tiel cas. Et sẽble en cẽ cas, q̃ le partie auera exec̃ per Elegit, ou p̃ Fier̃ fac', car nest reasonable q̃ la mort cẽy q̃ deuie en pr̃ison serra satisfact̃ al partie q̃ recou̇, Tñ qre de ceo, car ieo doubt de ceo.

¶ Et si hõe soit arraigne de Murder, & troue culp̃ soy def. per q̃ il commis al pr̃ison, ou per batt', ore il puit suer Cerc' a remoũ cest record en chanc̃ q̃ il puit suer s̃ chẽe de pdon sur cest per course del ley &c.

¶ Et si hõe recou̇ dam̄ en trins en banke le roy, & ad les terres le def. en exec̃ per Elegit, & puis cesty q̃ recouer est disseise p̃ cesty vs̃ que il aũa execuc̃, p̃ q̃ il port Ass. vs̃ luy deuant les Justices dass. ore il que port cest assise couient auer Certiorar̃ direct as chiefe Justice de banke le Roy, de certifier cest record & p̃ces del iudgem̄t done en banke le roy, & de exec̃ fait en le chanc̃ le roy, q̃ le pl̃ puit aũ cest record exemplifie south le grand seale de monstre as Just. dass. &c. C D

¶ Et si home recou̇ per Ass. de no. diss. & le partie voit' uer Attaint sur ceo record en common bank, ou en bank le roy, il couient suer Certior̃ as Justic̃ dass. de remoũ cel r record E

record̄ en banke le roy, ou en chanc̄ &c. q̄ il poit mand̄ ceo deuant les Justices deuant q̄ux lattaint est sue &c.

F ¶ Et appt per le Regist̄er en title de Certior̄, que si feux verdict soit done deuant le Seneschal & Marshal del hostel le Roy sur plaint sue la, q̄ le pty poit sue lattaint la deuant le seneschal & marshal p̄ briefe del Roy, dattainter cest iur̄ &c. & q̄ le Roy poit maund̄ Certior̄ pur certifier cest record deuāt luy en le chanc̄, q̄l serra direct al Seneschal & Marshal del dit hostel, mes le record serra solem̄t certifie south le seale le seneschal, cōe appt per les parols del briefe &c.

G ¶ Et est auk̄ briefe de Certior̄ direct as treasuror & barōs deschequer, de certifier le roy des dets, q̄ vn J. doit al roy, & des dets q̄ les aunc̄ le dit J. doiēt al roy, & q̄ux sont clere dets, & de certifier ceo south le Seale de eschēq̄r sans delay al roy, & ne en chanc̄, nen bank le roy distinctē & apertē.

H ¶ Et est auk̄ Certior̄ direct as Just. de gaole deliuerie de certifier le record & proces del indictment de murder, & del acquitel sur ceo en le chanc̄ &c.

I ¶ Et est auk̄ briefe de Certior̄ direct as Justic̄ de peace de certifier en chaunc̄ sur les tenors des recordes, & proces dutlag̃ de diūs persons retornes deuant eux.

K ¶ Et auk̄ briefe de Certior̄ direct as Seneschal & mareschal del hostel le Roy, de certifie de south le seale le Seneschal deuant le roy en son bank vn indictment pris deuant le dit Seneschal & Mareschal, le q̄l le roy voit aū solem̄t destre determine deuant luy en son banke.

L ¶ Et auk̄ briefe de Certior̄ direct as Maire & Vicōt de Eboz̄ak̄, de certif. sur le tenor del record & proces de assis. de Freshforce sue deins le citie sans briefe, & de certifier le tenor de cest record, & proces en chanc̄ &c.

M ¶ Et est auk̄ briefe de Certior̄ direct al Euesq̄ de Oxeñ de certifier al roy en son chanc̄ q̄nt des plons fuer̄ admiss. institutes, & inductes a tiel esglise &c. del primer an le roy Ed. le 4. &c. tanq̄ a oze, & a q̄ux prel. & p̄ q̄l title, & per quel manner.

N ¶ Et auk̄ briefe de Certior̄ direct al gardein des br̄es de common bank, de certifier le Roy en son chancery le tenor des briefs originals & br̄es iudicials, & les garranties des attorneis q̄ sont ē s̄ custod̄, concernāt tiel ac̄ ou suit &c.

O ¶ Et auk̄ br̄e de Certior̄ direct al Treasuror & Chamberlains del eschequer, de certifier le Roy en son Chancerie le record & proces dun briefe de Quo warranto sue per le

progenitor le Roy Ed. le 1. vers Labbe de Westmon, pur certeine liberties claime per m Labbe &c.

¶ Et aut brief de Certior direct as Justic de se vers de certifier le roy en son chanc a cert iour touts presentmts faits vers vn tiel person devant eux &c. B

¶ Et brief de Certior direct al chiefe Justice de comn bank, de certifier le tenor del rec & pc dn vtlag. pronoce vers vn tiel en Lond en Midd, rem devant les Justic en common banke, & de certifier ceo en chancery &c. B

¶ Et si le Baron q est peere del realm soit sue en com bank, & proces ag vers luy per cap ou p exig. donqs il poit suer Certior en le chanc direct as Justic de comon banke ou bank le Roy, testificat q il est peere del realme, eux commandant de faire tiel proces vs luy, come appertain de fair vers peere del realme, & le brief est tiel. ¶ Rex Iusticiar suis de banco salutem, Mandamus vobis, quod si G.T. mil' cor vobis ad sect alicuius per actionem personalem impl'itatus existat, tale processum & non aliu vers. ipm in actionem pd fieri faciat qualem versus dnos, magnates, comites, seu barones regni nri Angl' qui ad parliamta nra de summonitione venire debent aut eorum aliquem, secundum legem & cons. regni nri Angl' fuer faciend, qa pd G.T. vn Baron regni nri pd ad pliamta nra de sumn regia venient record, & hoc vobis mandam & alijs quor interest innotescimus, Teste &c. C

¶ Et si hoe recoun dam & costages en ass. de nouel diss. il poit suer Certior a remoun ce record en chanc direct as Justic de ass. al entent q le roy poit mand ceo al alcun de ses courts, al entent q cesty q recoun poit suer execuc la de ceux dam issint recoueres, & sur ceo record mand en banke le Roy, il mand cel record en common bank p brief de Mittimus direct as Justices la, que ils face ceo que ils deuer faire solonqs la ley, de faire lever ceux dam. D

¶ Et est aut forme de Certior per tiels parolx, Esser. E

¶ Rex &c. volentes certis de causis certior super tenore record & proces. vtlag' in W. de B. de com N. husband in eodem com: *vel sic*, in hustingo nostro Londoñ promulgat, & coram Iusticiar ipsius regis de banco ret, quod quidem record & processu, idem Rex coram eo cert de causis venire fecit, vt dic', ac si idem W. se reddt prisonæ Marischalsiæ ipsius Regis cor eo occasione pd, nec ne: Ideo tenor record & proces. vtlagat prædict', necnon certificatio redditionis illius eidem regi in cancell' suam, sub sigillis I. F. capital' Iustic'

sui

ſui ad placita coram ipſo rege tenend, diſtinctè & apertè ſine dilatione mittantur cum hac billa. Teſte ipſo rege apud Weſtm xij. die Maij anno regni ſui 30. ¶ Et per t appiert coān q̄ le recozd ſoit rem̄ en banke, vnd le roy poit mand pur remou ceo en chancerie.

F ¶ Et ſi hõe ſoit arraign̄ de murder, & eſt troue culp̄ ſoy def. il couient ſuer Cerc' a remou t recozd en le chaunc̄, et ſur t recozd remou dañ ſon charter de pardon, & le fozme del charc̄ appt en le Regiſt. fo. 287. 288.

G ¶ Et ſi hõe ſoit attaint en aſſ. de no. diſſ. denant Juſt. daſſile, de diſſeiſin oue fozce, & puis vtlage pur le fine le Roy ſur r, ozr ſi il voil' añ charc̄ pur cõ vtl', il couient añ Certiorar̄ direct as Juſtic̄ daſſ. de certifier le roy en le Chanc̄ le tenoz de cõ recozd del aſſ. & auxy auc̄ bziefe as Juſtic̄ de certifier al Roy en chancery, ſi le def. en le aſſ. ad ſe rend al p̄ſon & ſatiſfie al pty des dañ ret. Et ſi t̄ ſoit iſſint certifie en chāc̄, donq̄ ſur ceo certificat, il añ̄a s̄ chēe, le fozm̄ de q̄l charc̄ appiert en le Regiſt. 288. ¶ Et iſſint ſi hõe ſoit condempne en common bank en det, & aps vtl' ſur ceo, ozr denant q̄ il añ̄a s̄ pardõ, il conic̄t ſoy rend al p̄ſon de Fleete, & certifier le pty, & cõ recozd de condēpnac̄, & del ſatiſfactiõ couient eſtre t̄tifie p Cerc' al roy en s̄ chanc̄, & ſur t̄ il añ̄a ſon chēe, & ceſt done p le ſtac̄ fait añ 5. Ed. 3. ca. 12.

¶ Et ſi hõe ſoit vtlage ſeueralment al ſuit de 3. ſeuerals p̄ſons per 3. ſeueral ac̄, en queux il fuit condempne a eux, ozr il couient ſuer Cerciorar̄ a remouer le tenoz de ceux recozdes & p̄roces en le Chanc̄, & auxy dauer Certiorari as chiefe Juſtic̄ de common banke, ſi le ſuit ſoit la de certifier le Roy en le Chaunc̄ ſil ad ſoy rend en p̄iſon de Fleete, & ad ſatiſfie le partie. Et quant le chiefe Juſtice ad certifie ceſt &c. en le chauncerie, donq̄ il auera ſon charc̄ pur ceux vtlag. & nient auant. & le fozme del chēe appiert en le Regiſter fol. 288.

¶ Et eſt auc̄ bziefe de Cerc' direct al Eſcheatozs, de certifie le maſ & le cauſe del p̄iſel dez terres en mains le roy aps le mozt de vn tiel, & le fozme del bziefe eſt tiel.

H ¶ Rex Eſchaetori &c. ſalutē, Quibuſdā cert̄ de cauſis certiōr̄ volumus ſuper mod̄ & captiõ t̄rar̄ & teñtor̄ q̄ fuer̄ I. defuncti in B. in Ball' tua, per te in manum n̄rum, vt dicit: Tibi p̄cipim̄, q̄d nos in canc' n̄ra ſup̄ mod̄ & cauſa ſuprad̄ ſub ſigillo tuo diſtinct' & apert̄ ſine dilatione redd̄ certiōr̄, hoc br̄e nobis remittentes, Teſte &c.

¶ Ites

¶ Mes nota q̃ oze ẽ ozdeigne per lestatute, q̃ si leschet troue alc̃ office de alc̃ fres ou tenẽts pur le roy q̃ il deuet retozñ cest office apzes en le chanc̃ ou leschequer deins vn mois ap̃s le pzisel de icel, sur pain̄ de xx. l. a paier al roy, e a cesty q̃ voit suer pur cest, e cest statute est fait anno 6. H. 8. cap. 16.

¶ Et est auk̃ Certiorar̃ direct al Eschetoz de certifie le Roy en chancerie a son person demeisne del value des fees des chivalers, et des aduowsons que suet̃ a vn I. que est mozt, que tient del Roy en chiefe tour de sa mozt, e le bziek est tiel.

¶ Rex Eschaetori &c. Volent̃ certis de causis certiorẽ super vero valore feod̃ Milit̃ & aduoc' eccl'iar̃, q̃ fuer̃ I. defunct̃ q̃ de vobis tenuit in capit̃ in ball' tua die quo obijt & q̃ occasion̄ mortis eiusd̃ I. capt̃ sunt in manum nostram: Tibi p̃cipimus, qd̃ feod̃ illa et aduocar̃ p̃d̃ per sacrament̃ &c. diligent̃ extendi facias, quantũ viz. valeant per ann̄ in oĩb⁹ exit̃ iuxta valor̃ eorund̃ & extentã illã distinctè & apertè fact̃ nobis sub sigillo tuo & sigillis eor̃ per quos fact̃ fuer̃ sine dilatione mittatis, & hoc bf̃e, Teste &c.

¶ Et si hõe lunatike ou en arage occist vn home, ou p infoztune home occist home, ou enfant deins age de viñ. ans occist vn home, sils voile suer pardon de ceo, le vse est de suer Certiorẽ de remoũ le tenoz del recozd e p̃t̃ en chãc̃, e sur ceo dauer son chark̃.

¶ Et appt en le Regist. diũs mults mañs des fozmes de tiels Certiorẽ de remoũ des recozds, q̃ux hõe poit veier la pl⁹ pleinm̃t, e pur ceo touts ne sont escries cy.

153 ¶ Briefe de Forcible entrie sur lestatute, de Anno 8. H. 6.

BRieke sur lestatute de An̄ 8. H. 6. de fozcible entre gist en cas, ou home est disseise ou expulse de ses terres ou tenem̃ts oue fozce, des queux il est seisi en son demeisne cõe de frank̃, ou en fee taile, ou en fee, ou a terme de vie, il poit suer cel bziek de Forcible entre sur cest statute, ou sil fuit ouste ou disseisie de ses fres ou tenem̃ts peacible m̃t, e puis le disseisoz ou cesty q̃ luy issint ouste, garõ e deteign̄ meisnes ceux tenem̃ts oue fozce, dõq̃z cẽy q̃ est issint ouste, poit ad̃ e suer cẽ bziek sil voile, e en cẽ bzieke il recquera ses dam̄ e ses costag. a treble de ceo q̃ il est troue per lenquest que il est endammage, e ad expenũ en cest suit.

¶ Et

D ¶ Et si hõe enter en ascun terres ou teñts, & diss. ascun home oue force, et puis il garõ meimes les tres & teñts & eux deteigne oue force, donqz cesty q̃ est issint ouste & diss. aũa cẽ briefe assets bien, coñt q̃ les parolx del statut sont ẽ vn disiunctiue, s. ou home, est disseisi oue force, ou lou home diss. home peaceſiblement, & puis garõ la terre ouc force, p̃ ceo que lentent del fealance del statute fuit pur punir tiel force, soit il fait sur lentr̃ a disseisin fait, ou sur le garõ et deteigner des terres & teñts.

tenent tres
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E ¶ Et nota que nul poit vser & mainteiñ cest acr̃, sinon cẽy q̃ ad frankt̃ en les tres ou teñts al meins, car t̃ a tme des ans ne poit maint̃ cest act̃, pur ceo q̃ les pols del briefe sont, Expulit & disseisiuit, & le t̃ a term̃ des ans ne poit estr̃ diss. & le forme del briefe est tiel.

F ¶ Rex vic' salut̃, Si A. fecerit &c. tunc pone B. &c. ad rñd̃ tam nobis quam prefat̃ A. quare cum in statuto parliamento apud Westmoñ anno regni regis H. nuper Regis Anglię 6. ꝓgenitor̃ nostri 8. tento, edit̃, inter cętera contineat̃, quod si aliqua ꝑsona de aliquib⁹ tris seu teñtis manuforti expulsa sit & disseis. vel pacificè expellat̃, & postea manuforti extra teneat̃, vel aliquod feoffament̃ vel discontinuatio inde post talem ingress. pro iure possessor̃ defraudendo & tollend' aliquo modo fiat, habeat pars in hac parte grauata versus talẽ diss. assisam nouæ diss. vel br̃ de trãsgr̃, & si pars grauata per assisam, vel per actioñ transgress. recuperet, & per veredict̃ vel alio modo per debit̃ legis formam inueniat̃, quod pars def. in ter̃ & teñt̃ vi ingress. fuerit, vel ea post ingressum suũ per vim tenuerit, recuper̃ q̃rens dãpna sua ad triplũ versus def. Et vlter̃ finẽ & redẽptioñ nobis faciat: p̃d̃ B. p̃f. A. de liber̃ teñto suo in B. manuforti expulit & disseisiuit, & eũ sic expuls. & disseis. extra tenet de eodẽ, in nr̃i contẽptũ, & ipsi⁹ A. dampñ non modicũ & grauam̃, ac contra form̃ statuti p̃d̃, & contra pacẽ nr̃am, & habeas ibi nomina plegior̃, & hoc vobis p̃cipimus. Teste &c.

scapse ide pr̃

G ¶ Et le ꝓces en cest briefe est Attachm̃t & distringas, & pur default de distr̃ ꝓces dutlag.

H ¶ Et si hõe enter oue force en terrez ou teñts, en queux il ad title & droit dentr̃, & ouste cesty q̃ est tenãt del frankt̃ de ceux terres, ore cesty que est issint ouste oue force &c. ne maint̃ action de forcible entre vers cesty q̃ ad title dẽtre, pur ceo que ceo entre nest ascun disseis a luy, mes il puit luy endicter pur cest entre oue force, & per cest endict-

nr̃es amas [illegible]
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ment

ment il ſerra reſtoze a ſa poſſeſſ. arere, et ceo eſt don p̃ m̃ le ſtaţ de anñ 8. H. 6. cap. 2. ¶ Et en ceſt acţ̃ de foꝛcible entre le pţ recouer̃ dam̃ a treble, ſibien pur ioccupation de tre cõe p̃ le pꝛim̃ ent̃ en icel. ¶ Et hõe puit aũ bꝛief de foꝛcibl̃ ent̃ de rent cibñ come del terre.

¶ Et ſi home ent̃ & diſſ. vn home oue foꝛce ꝛc. & puis le diſſeiſie reentre arere, vncoꝛe le diſſeiſie puit ſuer cẽ bꝛief de foꝛcible ent̃, & recoũ ſes dam̃ a trebl̃, com̃t q̃ il ſoit ſeiſie del terre al temps del bꝛicke poꝛt. Mes ſi hõe continue 3. ans en peacible poſſ. ſans intexꝛuption, donq̃ il puit gard la terre oue foꝛce, et ne ſerra punie pur ceſt foꝛce, et ceo eſt done p̃ m̃ le ſtaţ. 3 Yeards poſſeſſions.

¶ Et en cẽ bꝛief de foꝛcible entre le def. puit pleð de riẽ culpable, & ẽ ſerra bone plee, mes ſi le defenð plede matter de barr̃, vncoꝛe il couient en fiñ del barre trauerſ. le entre oue foꝛce, q̃ il eſt alleg. com̃ adire, ſans ceo que il enter oue foꝛce ꝛc. mes vncoꝛe le demaunð ou pţ couient reſponð a cẽ eſpecial matt̃ all̃ en le barre ſans reſponð al trauerſ. del foꝛce ꝛc.

¶ Et ſi ceſt eſpecial matt̃ all̃ en le barre ſoit troue oue l̃ def. il ſerra excuſe, & le foꝛce ne ſerra inquiꝛ̃: & ſil ſoit troũ oue le pţ, & enconţ le def. l̃ def. ſerra attaint del foꝛce rendeꝛ̃ trebl̃ dam̃ & coſtag. ſans inq̃ret del foꝛce, & cẽ le vſage a ẽ iour. ¶ Et vn ioint̃ ou teñt en cõmon puit maint̃ ceſt acţ̃ vers ſon companion ſil luy euſte oue foꝛce ꝛc.

¶ Et ſi hõe ent̃ oue foꝛce, ou deteigñ oue foꝛce aſcun t̃ ou tenem̃ts, le pty puit auer bꝛief ſur le ſtaţ de Northampt̃ fait añ 2. E. 3 ca. 3 que ſerra tiel.

¶ Rex vic' &c. Quia datum eſt nobis intelligi qd̃ q̃ pluꝛ malefactores & pacis noſtræ perturbatores in cõuenticulis congregati, armati, & modo guerrino arraiati apud C. accedeꝛ̃, & clauſ. & domos quorund̃ legiorum noſtrorũ ibid̃ p̱ vim & potentiã armat̃ intrat̃, & res, redditus & ꝓuentus, ac alia bona ſua quęcunque de quibuſcunq; poſſeſſionibus, ſuis ibidẽ ꝓuenient̃ capere conſent̃ & aſportare intendunt, & ad hoc parant, in nꝛi contempt̃, ac quorundam de populo nꝛo ibid̃ tꝛorem & cõmotionem manifeſtam, ac cont̃ form̃ ſtat̃ apud Northamptoñ de armis contra pacem domini E. nuper Regis Angliæ tertij ꝓgenit̃ nꝛi non portand̃ editi, & contra pacem noſtram: Nos ſtatutum pred̃ inuiolabilit̃ obſeruar̃ & idem infringẽtes iuxta vim & effectum eiuſdem ſtat̃ caſtigar̃ facere volentes & punire, tibi pꝛęcipimus quod

apud villam de C. & alibi in com̃ tuo vbi neceſſe fuerit, publice proclamar̃, & ex parte nr̃a firmit̃ inhiberi fac' ne q̃s cuiuſcumque ſtat⁹ ſiue conditionis fuerit ibm̃ armatus contra pacem nr̃am ac form̃ ſtat̃ præd' accedat, nec armatã potent̃ nec quicquã aliud ibid' ſeu alibi facere, p̃ qd̃ pax nr̃a ſeu ſtat̃ p̃d̃ ledi, vel popul' noſter t̃reri, turbari, aut indebit̃ grauari poterit quouiſmodo, ſub pœna amiſſionis armorum ſuorum, & incarceratioñ corporum ſuorũ ad voluntat̃ noſtrã, put in ſtat̃ prædict' plenius continetur. Et oẽs illos quos poſt & contra proclamatioñ et inhibitionẽ præd̃ inueneris cõtraria faciẽtes, vel p̃ inquiſitionem, p̃ te modo & form̃ debitis capiend̃ inueneris feciſſe, vna cum armis & armaturis ſuis ſecum inuẽt̃ arreſtar̃ & capi & corpora ipſorum areſtatorũ in priſona noſtra, quouſque aliud a nobis p̃ deliberatione ſua habueritis in mandat̃, ſaluo cuſtodir̃, ac arma & armaturas præd' appreciari, & nobis ind' reſpond' fac', nos vero in cancell' nr̃a ſub ſigillo tuo de nominibus arreſtatorũ præd̃, ac de armis & armaturis ſuis, & q̃ & cuiuſmodi fuerint & de p̃cio vel de vero valore eorund̃ ac de toto facto tuo in hac parte reddatis diſtinct̃ & ap̃t̃ ſine dilatioñ certiores, hoc br̃e nobis remitt̃, Teſte &c.

154 ¶ Breue de manucaptione.

writt of mainprise. Glouc

BReue de Manucaptione giſt p̃ꝛoperm̃t lou home eſt p̃ris ſur ſuſpit̃ de felony ou endite de felony, pur q̃ chole p̃ la ley il eſt mainpnable, & il offer̃ ſuff. ſuertie al vic̃ ou aũt q̃ ad authoꝛitie de luy leſt. al mainp̃ris, & il refuſe de ceo fair̃, donq̃ cefty q̃ eſt iſſint garde en p̃iſon puit ſuer tiel bꝛiefe.

¶ Rex vic' &c. Ex parte R. capti & detenti in gaola noſtra Glouc' pro quodam latrocinio cuiuſdã equi ap̃ud S. vt dicitur facto, vnde corã te per quand̃ inquiſitionem ex officio tuo captam indictatus eſt vt dicit̃, nobis eſt oſtenſum, qd̃ licet ipſe tibi frequent̃ obtulerit ſuffic' manucap̃t̃, q̃ eum manucaperent iuxta formam ſtat̃ apud Weſtm̃ dudum editi in quo continetur quod de huiuſmodi latrocinijs corã vic' vel balliuis per inquiſitiones ex officijs ſuis captas indictati replegiabiles ſunt, dum tamen bonę famæ ſint, tu tamen manucaptores illos a præfat̃ R. recipere, & ipſum per manucaptionẽ huiuſmodi a gaola p̃dict̃ hucuſque deliberari diſtuliſti, & adhuc defers, in ipſius R. diſpendiũ non modicũ & grauamen, & vitæ ſuæ periculum manifeſtum, & cont̃ form̃ ſtat̃

ſtat̃ prędict',& quia nolumus qd̃ idem R.in priſoñ prędict' cõtra formam ſtatuti prędict, diutius detineatur, Tibi præcipimus quod ſi idẽ R bonæ famæ ſit,& p inquiſit̃ coram te ex officio tuo captam de latrocinio præd̃ indictatus fuerit, vt præd' eſt, & pro eodem latrocinio & non alia occaſione in priſona p̃d̃ detineatur,& inuenerit tibi ſuffic' manucaptores, qui eũ manucapere voluerint habere coram Iuſt. noſtris ad gaolam noſtram prædict̃ deliberand̃ aſſignatis vel aſſignandis in proxim̃ aduentu eorund̃ pro gaola illa deliberand̃, ad ſtand̃ recto de latrocinio prædict̃ ſecundum legẽ & conſuetud̃ regni noſtri Angliæ, tunc ipſum R. a priſoñ prædict' interim deliberari fac' per manucaptioñ ſupradict',iuxta form̃ ſtat̃ prædict', & habeas ibi noīa manucaptor̃ illorum & hoc breue. Teſte &c.

¶ Mes nota q̃ eſt ouſte p ſtat̃ añ 28.E.3.ca.4. q̃ les viẽ ne prendẽ inditement per brēs ou commiſſ. direct a eux pur ceſt. ¶ Et vide le ſtat̃ d̃ Weſtm̃ ca. 15. pur ceux q̃ ſerõ mainpernable. A B

¶ Et ſi home ſoit endite de felony deuant bail' en le hundred, & mis en gaol ſur ceſt, ſil offẽ ſuffiẽ ſurtie as bail' &c. & ils ne voile luy leſſ. al bail' &c. donq̃ il q̃ eſt en priſon put ſuer tiel brē direct al viẽ. C

q Rex vic' &c Ex parte I. nobis eſt oſtenſ. vt cum ipſe per quoſd̃ emulos ſuos de latrocinio cuiuſd̃ bouis Ric' &c. apd̃ R. facto vt dic', coram bal' E. de B. de hund' ſuo de P. per inquiſitionẽ ex officio eorund' ball' captã indictatus, & ea occaſione captus, & in p̃ſona nr̃a de D. detent⁹ exiſtat, & licet idem I. frequent̃ ſibi obtulerit ſufficien manucaptores, q̃ eũ manucaperent iuxta formam ſtatuti apud Weſtm̃ dudum editi in quo continetur &c. *vt ſu.* Tibi præcipimus qd̃ ſi idem I. bonæ famæ ſit & p inquiſitionẽ corã eiſd̃ balliuis ex officio ſuo captã de latrocinio præd̃ indictat⁹ fuerit vt prædictum eſt & p end' latrocinio &c. *vt ſupra* &c.

¶ Et eſt auſſi briefe pur home q̃ eſt pris pur ſuſpicionſſ de felony & eſt detenu en priſon, & auũ briefe pur ceſty que eſt pris & gard en priſ̃ pur petit larceny &c. Mes cẽy clauſe ſerra donq̃ mis en le briefe, ſ. ſi de alijs latrocinijs prius rectati non fuerint, mes cely clauſe dum tamen bonæ famæ ſint, ne ſerra mis en celi briefe, ſon eſt ſue pur ceſty que eſt priſe pur petit larceny. *dum tamen bonæ famæ ſint*

¶ Et ſi ho ne q̃ eſt de bon fame ſoit appel' per vn approuor, p q̃ il eſt pris et detenus en priſon, donque il put ſuer D

briefe direct al viꝭ de luy lesse a mainprise per bon suretie.

¶ Et illint si hõe soit appelle p approver, & puis est pris & garde en prison, & apres le prouer deuie, ore il puit suer dꝭ direct al viꝭ q̃ il luy lesse. alarge per bone mainprise, sil ne soit notary felon, coñt q̃ il ne soit de bon fame.

E ¶ Et si hõe soit indite come accessory al murder, coñ de assent ou de procureñt, ou resceitñt &c. ou de aid ou de coũsell', sil soit pris pur cest, il puit suer brief direct al viꝭ q̃ il luy lesse. al mainprise &c. tanqz les principals sont conuicts ou attaints, sils sont de bon fame, mes le statut de West, priñ cap. 15. ne parle cy largeñt come les brieues cy en le Register tõt mention, car le stat ne parle de commandeñt, abetñt, ou consent &c.

F ¶ Et si hõe soit pris p commiss. le roy, & deteigñ en prisõ p felonie ou males faits, il poit p ses amies mitt suretie en le chanc q̃ il appeꝭ deuant Just. &c. & que il serra de bon gestur &c. & ceo corps pro corps, & sur ceo il aũa briefe hors de chaunc al viꝭ ou al constable de castle ou il est en prison, de luy deliuer, sil soit en prison pur cest cause, & pur

G nul auter. ¶ Et si home soit endite de trñs deuant Justic de peace, & mis la en prison p proces fait sur cest, il poet suer briefe en chaunc direct al viꝭ que il prendꝭ suretie de luy de appeꝭ deuaunt les Just. al cess. &c. & q̃ il luy lesse. alarge, mes Just. de peace poient luy lesser p mainprise daler alarge sils voile.

H ¶ Et si hõe soit endite de trñs deuant Just. de peace & pris & mis en prison pur cest, il poet suer vn Certior de remoñ cest enditemñt en bank le roy, direct as Just. de peace & vn brief de Habeas corpus direct, q̃ il face bener le corps a ses pper costs deuant le roy en s bank a m le tour &c.

I ¶ Et si hõe soit endite de forestalling, & pris & mis ẽ prison pur cest, il poit suer brief en chãc direct al viꝭ q̃ il pnd suretie de luy de appeꝭ deuãt les Just. de resp del trñs &c. & q̃ adonqz il luy lesse. alarge.

K ¶ Et si hõe sue brief derror sur ẽtain faux iudgemñt dos dos luy en aleun city ou borough, lou il est condempn & deteigñ en prison, il poit suer brief hors del chaunc direct as maire ou bailies del city ou borough, q̃ ils prend sur ety de luy de resp al roy de ceo q̃ il deueꝭ auer per cest condempnation, & auxy al party q̃ il deuera auer si la iudgemẽt soit affirm, eux commanꝺ q̃ ils luy deliuer &c.

L ¶ Et illint si hõe sue appel de maihem dos auter, & puis

il

il est arrest al suit de def. ou de aũ en citie ou bozough, al intent q̃ il ne sueẽ son appel, il poit aũ bziefhozs del chancerie direct al bail' ou maire, que ils pzenõ suretie de luy de resp̃ al party la &c. & q̃ il luy less. alarge, & touts ceux bziefs appere en le Restister.

¶ Et si home soit appel de robery, il poit suer bziefe hozs de chãt direct al viẽ q̃ il pnõ surety de luy, q̃ il appere deuant Justiẽ &c. & q̃ il luy less. aler alarge, & sil nad luy pzis̃ &c. q̃ adonqz il surcess. de luy pzenõ, si le party luy offer de troũ tiel surety al viẽ &c. A

¶ Et si hõe soit sue en det ou trs̃s, & pzis̃ p cap ou exig. & deteigñ en pzison, ozе il poit suer bẽ hozs de chanc direct al viẽ, q̃ il pzendera surety de luy. q̃ il appere al iour &c. et q̃ il luy less. alarge. Mes ozе p le stat fait añ 23. H. 6. chescũ viẽ est lie & tenus de less. al mainp̃ chesc̃ pson q̃ est en son gard, q̃ est pzis p bziefe, bill, ou warrãt en aleun action psonal, ou pur indictm̃t de trs̃s, sils offer reasonable surety &c. de gard̃ iour iour doñ &c. & en tiels lieux ou le bẽ, bill &c. ẽ retoznable &c. Mes psons condemnes ou vtlages, ou excommenges, ou pur surety de peace pzises, ou psons q̃ sõt commis al gard de vicont p commandem̃t dasc̃ Justiẽ, et psons vagrants q̃r refuse de seruer, q̃ rem̃ en pzison en gard de vicont, touts ceux persons sont excepts, car le viẽ ne deueẽ less ceux persons al mainpzise. B

¶ Et si hõe soit endict de trs̃s deuant Justiẽ de peace, & pzis & mis̃ en pzison en gard le viẽ, il poit suer bziefe del chanc direct al viẽ, que il pzenõ sureties de luy, & que il lessera luy aler alarge, et auxy il poit auer cest bziefe destre direct as dits Justiẽ de peace, eux commanõ de pzenõ suretie de luy, & de luy less. alarge, ou si le party trouera suretie en chauncery de appere & estoier al ley &c. donque il auera bziefe direct as Justices de peace, ou al viẽ de luy less. aler alarge. C

¶ Et si home soit oblige en statute Merchant payable a certaine iour, & al iour il pay parte del summe, & ad releas. de recognisæ del residue, ozе si le recognis. sue exeẽ, & pzis̃ le cozps cesty que ad tiel rel', & ad pay le residue, donque cesty recognisoz poit suer en chaunc̃, & per ses amies trouera iij. sureties, s. corpus pro corpore, que il appere deuant le roy en son banke a certaine iour, & de paier le money la si ne puit luy auterment discharge, & sur ceo il auera bziefe direct al vicont reherс. tout cest matter, et coment il ad D

troue fuerty en chanᵉ, cõe est auãtõ, luy cõmanᵈ õ luy lesse alarge, & sur ceo le viᶜ deñ luy lesse alarge, & si le viᶜ ne voit ceo faire, il aũa Al' & Pluᵉ & attachiñt õs le viᶜ &c.

E ¶ Et si home soit condempñ en aleᵉ court, & ꝑs corps mis en execution, & puis remoue p vn bre de Corpus cum causa, ou Certiorᵉ en chanᵉ, il ne serra lesse al baile ou mainpriſe, mes serra remaunᵈ al prison, la a demurrer solonq̃ la ley tanq̃ il ad satisfie le pᵗ &c. añ 2.H.5.ca 2.

F ¶ Et iij. Just. de peace dõt lũ soit de Quorũ, puisse lesse felons suspects, ou autres plõs q̃ sont mainepnable al mainepriſe tãp al pchein geñal sessions en gaol deliuy, mes les Just. de peace la sont tenus de certifier al pchein general sessions ou gaol deliuy ceo reconusans as Just. &c. sur paiñ de forf. ii. li. & ceo p le stat fait añ 3.H.7.c.3

G ¶ Et cesty q̃ est acquite de murd deins lan al suit le roy serr remise al prison. tanq̃ il trouer suerty de ꝑpere a chaſ temps q̃ les Just. voile luy demaunᵈ, tanq̃ al fin del añ &c pur ceo q̃ le party puit suer son appel vs luy apꝛs deins lan &c.

H ¶ Et q̃ux plons serra mainpnable, & queux nõ, appiert p les statuts Westm 1.ca 15.

¶ Et Just de gaol delivery poient punier ceux q̃ le sont homes a mainpriſe, q̃ux ne sont mainpnable per le stat de Finibus ca. 3.

I ¶ Et añ 4.E.3.ca.2. le mareschal de bank le roy ne puit lesse al bail ou mainp̃ ceux q̃ sont endicts ou appel de felony, ij sont commis a eux &c. mes les Just. de bank le Roy eux punier &c. añ 5.E 3.ca 8 ne ils ne lesse a mainp̃ ceux q̃ soy rend al exigent de felony, et commis al mareschal, ne p bailf ne baston, et sils font, ils auer lemprisonment per deimp an, et reinᵉ al volunt le roy.

155 ¶ Breue de diem clausit extremum.

K ¶ BReue de Diem clausit extremũ gist ꝑmt lou le roy q̃ tient de luy en chief come de son corone per seruic de chinaler, ou per socage, deuy sesie son heire deins age, ou de plein age, ore ceste bref coulent ill et ceo deuer estre fait al suit le heire &c. car sur ceo bref quant iheire vient al plein age, il deuer aũ sa liuery de ses tres hors de mains le roy, & le bref est tiel.

¶ Rex dilect sibi W. de K. Escaetori suo in com Deuon salutẽ. Quia W. de S. qui de nobis tenuit in capite Dic clauſ-

sit

ſit extremum vt accepimus, tibi p̃cipimus, qđ oĩa t̃ras & tenem̃ta de quibus idē W. fuit ſeiſitus in dn̄ico ſuo vt de feodo in balliua tua die quo obijt, ſine dilatioñ capi in man̄ nr̄am & ea ſaluo cuſtodiri fac' donec aliud inde p̃ceperimus, & per ſacramentū ꝓborū & legal' hominum de ball' tua, per quos rei veritas melius ſciri poterit, diligent̄ inquiras, quantum t̃ræ & tenementoꝝ idem W. tenuit de nobis in capite, tã in dn̄ico quã in ſeruicijs in ball' tua die quo obijt, & quãtum de alijs, & ꝑ qđ ſeruic' & quantū t̃ræ & teñta illa valẽt per annū in oĩbus exitibus, & quo die idem W. obijt, & quis ꝓpinquior hæres eius ſit, & cuius ætatis, & inquiſic' inde diſtinctè & apertè fact̄ nobis in cancellaria nr̄a ſub ſigillo tuo & ſigillis eoꝝ, ꝑ quos fact̄ fuerit, ſine dilatione mittas & hoc b̄re, Teſte, &c.

tm̃. in dn̄ico q̃ in ſeruicijs.

¶ Et ſi le roy ad gard, & puis vn q̃ tient de ñ ceſt gard ſes t̃res ꝑ ſeruice de chiual' deuy, ſon heire deins age ou ď pleine age, donq̃ vn Diem clauſit extremū a̅ps ſa mort iſſera en tiel forme. M

¶ Rex dilecto &c. Quia I. de S. qui de hæred' W. de O. defuncti, qui de nobis tenuit in capite infra ætatem & in cuſtod̄ nr̄a exiſtent̄ tenuit per ſeruic' militare, Diem clauſit extrem̃ vt accipimus, tibi præcipimus quod omnia terras & teñta &c. & per ſacramentum &c. quantum terrarum & teñt̄ idem I. teñ de hæred̄ p̃dict̄, & quis propinquior hęres eius ſit &c. *vt ſupra*.

¶ Et ſi lh̃e deuy en gard le roy eſteant, donq̃ iſſera aut̄ b̄re de Diem clauſit extremum en tiel forme. W

¶ Rex &c. Quia R. de H. filius & hæres I. de H. defuncti qui de nobis tenuit in capite, nuper dum infra ætatem & in cuſtod̄ noſtra fuit, Diem clauſit extrem̃ vt accepimus, tibi p̃cipimus qđ per ſacramentū̃ &c. inquiras, quæ t̃ra & quæ tenem̃ta per mortem prædict̄ I. & ratione minoris ætatis hær̄ præd' I. ad manus noſtras deuener̄: et ſic in manu noſtra exiſtunt, & quantum inde de nobis tenet̄ in capite, et quantū de alijs, & per quod ſeruicium & quantum &c.

¶ Et ſi t̄ le roy deuy q̃ tient ꝑ ſeruice de chiual', & ſa t̄re eſt endowe, & le roy ad le gard des t̃res per nonage lheire, & puis le t̄ en dower deuy eſteãt les t̄re en gard & in mains le roy: donq̃ Diem clauſit extrem̃ ſer̄ ſue en ceſt manner. T

¶ Rex dilecto ſibi N. de B. maiori ciuitatis ſuæ Londoñ & eſchaetori ſuo in eadem ciuitate ſalutem. Quia E. quæ fuit vxor I. de B. de dunk defuncti, quæ quaſdã terras & quędam

ten

ten̄ de nobis tenuit in dotem de hæreditat̄ predict̄ I. quodā viri ſui, Diem clauſit extrem̄ vt accipimus, tibi p̄cipimus q̄d oīa t̄ras & ten̄ta, q̄ eadē E. ſic tenuit in dotem de hæreditat̄ p̄d̄ in balliua tua &c. p̄ ſacrame̅t̄ &c. diligent̄ inquiras, quas t̄ras, & q̄ ten̄ta eadē E. ſic tenuit in dotem de hæred̄ p̄d̄ in balliua tua die quo obijt, & quant̄ inde de nobis tenet in capite, & quantū de alijs, & per quod ſeruic' &c.

D ¶ Aliter **puis le mozt le ꝑ a t̄m̄ de vie des t̄res de q̄ux le roy ad le reuerſ. in gard** &c.

¶ Quia A. quaſdā t̄r̄ & quædē ten̄ta de hæredit̄ E. conſanguin̄ & hæred̄ H. de P. defuncti, q̄ de rege tenuit in capite, inf. ętat̄ & in cuſtodia regis exiſtent̄ tenuit ad terminū vitæ ſuę, Diē clauſit extrem̄ &c. tibi p̄cipimus &c. *Vel ſic.*

E ¶ Quia A. q̄ quaſd̄ t̄ras & quædā ten̄ta de nobis tenuit p̄ legē Angl' de hęred̄ M. vxor̄ ſuę dud̄ defunct̄ Diē clauſit extrem̄, tibi p̄cipim̄ &c.

F **¶ Et ſi ꝑ a t̄me d̄ vie, le ten̄ al roy ꝑ a ſes hēres deux: ozs le roy aū̄a bzief de** Diē clauſit extrem̄ in **tiel man̄.** ¶ Quia A q̄ fuit vxor &c. q̄ quaſd̄ t̄r̄ & quædā ten̄ta tenuit ad vit̄ ſuā, & q̄ poſt mort̄ ipſi' A. nobis & hær̄ nr̄is remanere debēt, Diē clauſit extrem̄ &c tibi p̄c' &c. q̄ ead̄ ſic tenuit &c. & q̄ poſt mort̄ &c. remanere debent &c. *vel ſic*, poſt mort̄ p̄d̄ B. ad man̄ nr̄as ratione minoris ætat̄ p̄t hær̄ deuen̄ &c.

¶ Et ſont diūs aukes fozmes de bziefs en le Regiſt̄ **apꝛs la mozt le ꝑ a terme de vie ou en doūer.**

G **¶ Et ſi le roy ad les tempozalties del eueſqꝫ en ſa maiſn̄, & puis vn ꝑ q̄ tient p̄ ſeruice de chiualer de ceux tempozalties deux, ſon hęire en gard le roy, donqꝫ le bziefe de** Diem clauſit extrem̄ **ſerra en tiel fozme.**

¶ Rex &c. Quia A. de archiepiſcopatu Cantuar̄ vacant̄, & in manu nr̄a exiſtent̄, tenuit per ſeruic' militare, Diē clauſit extrem̄ &c. tibi p̄cipim̄ &c. de quibus idē A fuit ſeiſitus in dn̄ico ſuo vt de feodo &c. & tenuit de archiepiſcopatu p̄d̄ ſine dilatione &c.

H **¶ Et ſi le roy ad vn ideot en ſon gard, & puis le ideot deux: ozs le bziefe de** Diē clauſit extrem̄ **ſerra ag. q̄ ſerra tiel.**

¶ Rex &c. Quia B. de C. nuper fatuus & ideota, cuius t̄ræ & tenementa ratione fatuitatis eiuſdē in manu noſtra exiſtūt, diem &c. vt accepimus, tibi p̄cipim̄ q̄d̄ per ſacramentū &c. diligenter inquiras, quæ terræ & quæ tenementa ratione fatuitatis predict̄ B. in manum noſtram capta fuerunt, & adhuc in manu noſtra exiſtunt, & de quo vel de quibus te-

nentur,

neantur, & per qđ ſeruicium, & quantum terræ illæ valeãt &c.& quis propinquior &c.& inquiſic' &c.

¶ Et ſi bꝛief de Dié clauſit extremñ ſoit manꝺ al Eſchetoꝛ, & leſchetoꝛ eſt amone de ſon office, ou moꝛuſt deuãt que il fait inquirer &c. donqꝫ iſſera auꝫ bꝛiefe de Dié clauſit extremñ, q̃ terra tiel. ¶ Rex &c. Cum nuper daꝫ nobis intelligi, qđ I. de B. qui de nobis teñ in capite, Dié clauſit extremñ, ꝓciperiñ dilecto nobis W. de O. nuꝑ eſchaetoꝝ nꝛo comñ ꝓđ, qđ oĩa tꝛas & teñta &c. *vt ſupra*, Mutatis mutandis, ac idẽ W. ab offic' ꝓđ iam ſit amotus, per qd' executio bꝛeuis nꝛi ꝓđ fieri non poteſt: nos ſuper ꝑmiſſ. volentes certioꝝ, tibi ꝓcipiñ, qd' ꝑ ſcꝛm &c. diligẽt ſuper ꝑmiſſ. fac' inquiſic', & eam diſtinctè &c. T. &c.

¶ Et auter foꝛme de bꝛief en tiel maner.

¶ Rex dilect' &c. Cũ nuꝑ daꝫ nobis intelligi, qđ I. de B. q̃ de nobis tenuit in capite Dié clauſit extremñ, ꝓceperimus dilecto & fideli nꝛo H. de B. nuper Eſchaetoꝝ nꝛo in eodẽ comñ, qd' oẽs tꝛas &c. ſine dilatione capet in manũ nꝛam &c. donec aliud inde ꝓcepiſſemñ, & per ſacꝛm &c. inquireret, quant tꝛæ &c. *vt in primo breui*. Ac idẽ H. antequã ꝓđ breue fuerat execut', ab officio ꝓđ fuerat amotus: nos volent ſuꝑ ꝑmiſſ. plenius cerciorar', tibi ꝓcipimus, qđ ſuper articulis ꝓđ & eoꝝ ſingulis diligent facias inquiſic', & eam diſtinctè & apertè fact &c. *vt ſupra* &c.

¶ Mes ſi le pꝛim̃ Eſchetoꝛ enquit̃ per foꝛce del bꝛief, & puiꝫ deuie deuant lenquiſit̃ retoꝛñ en chanc̃ &c. donqꝫ Certiorar' ſerra agarꝺ ꝺs ſes executoꝛꝫ de certifier cẽ inquiſit̃, car ceſt vn matter de recoꝛd, quãt il eſt troue, & les iuroꝝs ont mis lour ſeales a ceſt &c. *q̃ nſt̃ nichil ẽ ibꝫ matter ꝓ recorꝺ.*

¶ Et ſi le ꝛoy q̃ tient de ſuꝑ per ſeruice de chiual' deuie ſon heire deins age, & nul bꝛiefe eſt agarꝺ deins lan apꝛes ſa moꝛt: donqꝫ vn bꝛief aꝑs lan paſſe de ſa moꝛt, que ẽ appell' Mandamus, iſſera, & ceſt bꝛiefe ne varie en parols del bꝛief de Dié clauſit extremñ, & le bꝛiefe eſt tiel.

¶ Rex dilecto ſibi W. de E. Eſchaetori ſuo in comñ B. ſaluꝫ. Pꝛęcipimus tibi, quod per ſacramentũ ꝓborum & legalium hominum de balliua tua, per quos &c. diligenter inquiras, quas terras, & quæ tenementa I. de B. tenuit de nobis in capite, tam in dominico quã in ſeruitio in balliua tua die quo obijt, & quantũ de alijs, & per quod ſeruitiũ, & quantũ terr & teñta illa valeant per annum in omnibus exitibus, & quo tempore idẽ I. obijt, & quis propinquior &c. & cuius ætatis,

& quis, vel qui terras & tenemta illa à tempore mortis præd occupauit vel occupauerunt, & exitus & proficua inde percepit vel perceperunt, quo titulo, & qualiter, & quomodo &c. & inquisitionem &c.

¶ Et nota, que si home sue bře de Diem clausit extremũ, ceo couient estre sue deins ian, & aps ian il aũa cest bře de Mandamus, & nemy Diem clausit extremum. Et sil sue bře de Diem clausit extremum, & puis il perd̃ cest bziefe, ou est pris de lay oue force maugre son test, il nauera nouel Diẽ clausit extremũ, mes sil ad Diem clausit extremũ, & ihře troue deins age, & que le roy ad title a luy, pur ceo q̃ launẽ tenoit du roy al temps de son mozt en chiefe per le rutce de chiualer. et puis iheire deuit en gard le roy, & nul bře de Diem clausit extremum agard̃ deins ian aps sa mozt: vncoze vn Mandamus la ne serra agard̃ apz ian del mozt lenfant, mes vn nouel bře de Diem clausit extremum, pur ceo q̃ ihře morust en gard le roy, & cest p le rule del Regist̃er.

¶ Du si le tenant le Roy q̃ tient p seruice de chiualer de roy en chiefe mozust, iheire poit suer especial cõmiss. direct a certeines plons, dẽquirer q̃x terres &c. son pere tenoit iour de son mozant &c. & cest especial commission serra sibi pur iheire, come vn bziefe fue de Diem clausit extremum apres la mozt son auncestr̃. Et sur tiel cõmission & inquisition pris sur ceo, & troue & retorñ en chãcery, ihř aũa son liuerie a son plein age et bien cõe sur bziefe de Diem clausit extremum fue &c. Mes sur general commiss. denquir̃ de touts gardes &c. la ley est auter, car iheire sur tiel commission & inquir̃ retorne &c. nauera iammes son liuerie.

¶ Quant iheire q̃ est en garde le Roy p reason de terres tenus en chiefe vient a son pleine age, donq̃ il auera bře al Eschetor directe, de prouer son age, auant q̃ il aũa liuerie de ceo terres, & le bziefe serra tiel.

¶ Rex dilecto sibi I. de B. eschaetori suo in com̃ B. salutem. Quia A. de B. qui M. sororem & vnam hæred̃ R. defuncti qui de domino Ed nup rege Angliæ auo nostro tenuit in capite, duxit in vxorem, dicit prefat̃ M. plenæ ætatis esse, & petit à nobis terras & tenta, quæ sunt de hæreditate ipsius M. & quorum vna pars in manu nostra, & alia pars in custod̃ I. de H ex commissione dicti aui nostri vsq; ad legitimã ætatẽ hæred̃ eiusdem existant, sibi reddend̃, per quod volum⁹ qd̃ eadem M. quæ apud G. in com̃ N. nata est, & in Ecclesia eiusdem villæ baptizata fuit vt dicitur, ætatem suam probet coram

coram te: Tibi præcipimus, quod ad certum diem & locum, quos ad hoc prouideris, probationē illā per sacramentū tam militū q̄ proborū & legaliū hominū de balliua tua, per quos probatio illa capi & veritas ætatis p̄dict̄ melius sciri poterit & inquiri capias, & scire fac' p̄f. I. quod tunc sit ibi ad ostendend', si quid pro se habeat vel dicere sciat, quare præd̄ H. & præd̄ M. vt illi qui plenæ ętatis est, si plenę ætatis sit, terras & tenemēta p̄d̄ reddere non debeamus, & p̄bationē illā sic captam, nobis sub sigillo tuo, & sigillis eorū per quos capta fuerit, sine dilatione mittas, & hoc bre. Teste &c.

¶ Et p ceſt bre appiert, q̄ le bre de Ætate probanda ſerra direct al Eſchetor del coñ ou le hre fuit nee, & nemy ou les tres ihre gisont. Mes ſemble reasonable, q̄ il poit ſuer ceo, ou lez tres gisōt, car poit eſtre q̄ il fuit nee ou le bre le roy ne curt, ou en Ireland, ou outr̄ le mere, cōe en Calleis &c.

¶ Et auter forme del briefe.

¶ Rex &c. Quia M. de P. filius & hæres F. defuncti, qui de nobis tenuit in capite dic' se plenę ętatis esse, & petit à nobis terras & tenta quæ sunt de hæreditate sua, & in custodia nra vsq; ad legitimā ętatē hęred̄ prę̄d̄ sibi reddi, p quod volumus &c. *vsque ibi*, melius sciri poterit, & inquiri capias, et tunc sic: Et probationem illam &c. *vt supra*.

¶ Et auter forme iou le Roy commit le gard durant le nonage, donques quant il volle ſuer Ætate probanda, il couient faire mention de ceo commiſſion &c.

¶ Et iſſint ſi home ſoit en garde le Roy per reaſon des temporalties del Eueſcherie eſteant en ſon mayne, quant lheire vient al plein age, il couient ſuer bre de Ætate probanda per le Regiſter, & le briefe ferra mention de ceo matter, & brefment il ne tient del Roy en chiefe, & quant le heire ad prone ſon age, & le bre retorne, donques il deuer faire ſon homage al Roy, ou agree oue le Roy pur reſpiter le homage, & il aura tiel briefe.

A

respite of homage

¶ Rex eidem Eſchaetori &c. Scias quod cepimus homagium I. de H. filij & hæredis B. de H. defuncti, de omnibus terris & tenementis quæ idem B. pater ſuus tenuit de nobis in capite, die quo obijt, & ei terras & tenementa illa reddidimus: Et ideo tibi præcipimus, quod accepta ſecuritate à præfato I. de rationabili relevio ſuo nobis ſoluendo ad Scaccarium noſtrum, eidem I. de omnibus terris & tenementis prædictis, & de quibus præfatus I. pater ſuus fuit ſeiſitus in Dominico ſuo vt

B

de

de feodo in balliua tua die quo obijt,& quæ occaſione mort eiuſdem B.capta ſunt in manũ nr̃ã, plenã ſeiſiñ habere fac': Saluo iure cuiuſlibet, & ſalua Matildæ quę fuit vxor B.rationabili dote ſua, ipſam de terris & teñtis p̃d̃ ſecundũ legem & conſ. regni nr̃i Angliæ contingent̃,& per nos aſſignand̃, Teſte &c.

℄ **℄Et cẽ bꝛief auantdit giſt ion le heire fuit de plein age a temps de moꝛt ſon aunceſt. & fuiſt ſ̃ liuerie. Mes ſi ihr̃e fait en gard,& ad ꝓue ſon age,donc̃ il aũa tiel bꝛief.**

℄ Rex &c. Quia N. de E. filius et hęres R.de C.defuncti, qui de domino Edward̃ nuper rege Angl' auo noſtro tenuit in capite,& ętatem ſuã coram te ſufficient̃ ꝓbauit,ſicut per ꝓbationem de mandato noſtro captam,& in cancell' nr̃am retorñ eſt compertum, ceperimus homagium ipſius N. de oĩbus terris & teñtis quæ idem R. pater ſuus tenuit de dicto auo noſtro in capite,die quo obijt,& ei terras et teneñta illa reddidimus : Et ideo tibi p̃cipim̃,qd' idem N. de omnibus terris & teñtis p̃d̃, et de quibus p̃d̃ R.pater ſuus fuit ſeiſitus in dominico ſuo vt de feodo in balliua tua die quo obijt, et per mort̃ eiuſd̃ R. in manu dicti aui noſtri capta fuer̃, et in manu nr̃a ſic capta exiſtunt,plenã ſeiſiñ haber̃ fac',ſalue iure cuiuſlibet, Teſte &c.

℄Et ſi baron ſeiſie en bꝛoit ſa feme en fé, des terres la feme,ſoit btlage de felonie, per que les terres deueigñ en maine le Roy, & puis ceſty q̃ eſt btlage deuy, bꝛief de Dié clauſit extremum **ſerra agarꝺ̃,q̃ ſerra tiel.** ℄ Quia A.cuius terr̃ & tenementa, quæ ipſe tenuit de iure & hæreditate N. nuper vxoris ſuę, adhuc ſuperſtit̃ ad manus domini Edward̃ nuper Regis Angliæ quarti poſt conqueſt', occaſione cuiuſd̃ vtlagar̃ in ip̃m A.pro quadam felonia, vnde indictatus fuit vt dicitur, promulgat̃, deuener̃ in manu domini Henrici &c.patris noſtri exiſterunt , et ſic in manu noſtra exiſtunt,diem clauſit extremum &c. Tibi p̃cipim°,quod per ſacramentum &c.inquiras,quæ t̃ra et quæ teneñta ratiõ felon̄ pred̃ ad manus ipſius nuper Regis deuener̃, et adhuc in manu noſtra ſic exiſtunt,et de quo vel de quibus teneantur & per quod ſeruitium,et qualiter,et quomodo, et quantum terr̃ et teneñta illa valeant per ann̄ in oĩbus exitib', iuxta verũ valor̃ eorund̃, et quis, vel qui t̃ras et teñta illa à tempore perpetrationis felon̄ p̃d̃ occupauit vel occupauer̃, et exitus et ꝓficua inde percepit vel percepер̃, quo titulo, qualiter,et quomodo,et inquiſic' &c.

℄ Et

¶ Et le forme del brefe de Quæ plura eſt tiel.

156 ¶ Quæ plura.

REx Eſchaetori ſuo &c. ſalutem, Quia datum eſt nobis intelligi, qđ A. defunct', qui de nobis tenuit in capite, tenuit die quo obijt plura terr̃ & tenta in com̃ pđ quam in inquiſitioñ inde poſt mortem pdict̃ A. de mandato noſtro capta & in cancell' nr̃a retornat̃ ſpecificatur. Tibi præcipim̃, quod per ſacramentum pborum &c. inquiras, q̃ plur̃a & tenta idē A. tenuit in com̃ pđ die quo obijt, & de quo vel de quib⁹ illa plura terræ & tenementa teneantur, & per quod ſeruic', & quantum valeant per ann̄ in omnibus exitibus, & inquiſitionem &c.

¶ Et le brief de Melius inquirend̄ giſt au le primer office eſt troue p vtue de briefe de Diem clauſit extremũ, le q̃l office fault certaintie en diũs points, come en le tenure de diũs fres, ou en le value daſcun de eux &c. donq̃ iſſera tiel brief de Melius inquirend̄. Mes ſi le prim̃ offic̃ ſoit troue p Eſchetor virtut̃ officij ſui, & nemy p vtue daſt̃ briefe ne commiſſ. & cē office fault certaintie en diũs choſes, come auāt, donq̃ ne iſſera aſt̃ br̃ de Melius inquirēd̄, mes ceſt office & inquiſic̃ ret̃ ſerra priſe com̃ void, p ceo q̃ il nē troue p vtue daſt̃ cōmiſſ. ou brief, mez ſolem̃t de offic̃ leſchetor ſās cōmandem̃t a luy fait de ē faire, & pur ceo ſerra pris void, ſil fault certaintie en aſt̃ point. Et le forme de Melius inquirend̄ ſerra tiel.

¶ Melius inquirendo.

REx Eſchaet̃ &c. ſalut̃, Cum per quandam inquiſic' coram A. Eſchaetore nr̃o in com̃ pđ de mandat̃ noſtro capt̃, et in cancell' nr̃a retornat̃ ſit compt̃, qđ N. defunctus tenuit diuerſ. tras et ten̄t cū pertin̄ in com̃ pđ, & quis propinquior hæres eiuſdē N. ſit ex parte patris ſui, iuratores inquiſitionis pdict̃ ignorant, tñ ex parte R. matris pdict' N. fil' W. B. eſt eius hæres propinquior, & ætatis viginti vnius annorum et amplius. Et quia in inqiſitione pdict̃ quis propinquior hæred̄ ipſius N. exiſtat minim̄ ſpecificat̃, Tibi p̄cipim̃, qđ per ſacrament̄ &c. inquiras quis ppinquior hæred̄ pđ N. exiſtit, qualiter̄, & quomodo, & inquiſitionem &c.

¶ Et eſt auter forme de Melius inquirendo, pur ceo que il ne ſpecifie en lenquiſition quel eſtate le tenant auera en la terre, ou pur ceo que il ne monſtre en le office d̄ que ou de queux

queux les terres fueñ tenus, ou par ceo q̃ il ne ſpecifie le verie value, & le Roy eſt enforme q̃ ils ſont de greindr̃ value q̃ eſt certifie en loffice. ¶ Et nota q̃ Meli⁹ inquirendo, ſerra agard̃ ſur ſurmiſe fait en Court, q̃ ils ſont de greindr̃ value p an que eſt declare en loffice, & per autiel reaſon ſur furmiſe q̃ ils ſont ten⁹ per auters ſeruices, ou q̃ il fuit ſeiſi des auꝰ eſtates q̃ eſt reherce en le office, que il auera Melius inquirendo.

157 ¶ Briefe de Liuerie.

ET eſt auter forme de briefe de Liuerie, lou le R le Roy en chiefe deuie, ſon heire deins age, & le Roy ſeiſi le gard, & puis cẽy heire deuy deins age, & en gard le Roy, p q̃ les fres deueigñ a ſon heire q̃ eſt deins age & ẽ gard le Roy: ore quant ceſtuy heire vient al plein age, il aũa briefe de Liuerie en tiel forme.

¶ Rex dilecto &c. Eſchaetori ſuo in com̃ L. ſalutem, Quia I. frater & hęres S. filij & hær̃ I. S. defuncti qui de nobis vt de honore H. in manu noſtra exiſtent̃ tenuit per ſeruic', reddend̃ ad wardam caſtri Douer̃ decẽ ſolid̃ per annũ ætatem ſuã cor̃ Roger̃ de W. nuper Eſchaet noſtr̃ in com̃ præd̃ ſuſſic' probauit, ſicut per ꝑbac' illã de mandat̃ nr̃o capt̃, & in cancell' nr̃ã retorñ eſt cõpertũ, cepimus homagiũ & fidelitatem ipſius I. fratris S. de oĩbus tris & ten̄t, quæ ꝑd̃ I. S. pat̃ tenuit de nobis vt de honore ꝑd̃, die quo obijt, & quæ poſt mortem prædict̃ I. S. patris, & ratione minoris ætatis ipſius S. qui quidem S. dum infra ætatem & in cuſtodia noſtra fuit diem clauſit extremum, ad manus noſtras deuenerũ debit̃, & eidem I. fratri S. omnia tr̃ & ten̄ta illa cũ ptiñ reddidim⁹. Et ideo tibi præceperimus, qd̃ eidẽ I. fratri S. de oĩbus tris & tenem̃t præd̃ cũ pertiñ, & de quib⁹ ꝑdict̃ I. S. pater fuit ſeiſit in dñico ſuo vt de feodo in ball' tua die quo obijt, & per mortẽ ipſius S. patris & ratione minoris ætatis ipſius S. ad manus noſtras deuenerũ, & ſic in manu noſtra ratione minoris ætat̃ eiuſdem I. fratris S. adhuc exiſtant plenam ſeiſinam haber̃ fac', ſaluo iure cuiuſlibet, Teſte &c.

¶ Et quãt vn heire auera Liuery a ſon plein age, & tiẽt vn mañ en chief du Roy p ſeruice d̃ chiualry, & tient auꝰ kẽ en diuꝰ com̃ de auꝰ, dõq̃ briefe doit iſſer al Eſchetor de ceſt county, ou il tient en chiefe, & le forme ſerra tiel.

¶ Scias qd̃ cepimus homag &c.

¶ Et

¶ Et les briefs as auters Eschetors comment sic, Cũ ceperimus homagium &c.

¶ Et il appiert p le bře auant, q̃ a tener fre de rẽder certein rent al garð de castle de Douer, serra tenuť en chiefe, & pur seruice de chiualry, & poit estre q̃ dauñ temps, que il serra gard al castle, & que le Roy ad pris rent pur cest, & vncore cest prisel de rẽt ne changera le nature del tenure, Quære. A

¶ Et si ħ. purchase p licence le Roy terre tenus de Roy en chief, & puis iũ deuy, lauť aũa la fre hors de mains le Roy, cum exitibus sur ẽ matť troue p enquest, mes il couient monstre le licence en chanť, per le Register. B

¶ Et si ť le Roy q̃ tient en socage en chiefe morust, son heire de age de xiiij. ans & plus, le Roy seisera eux, & il couiẽt suer liuerie de eux. Mes sẽble q̃ le Roy ne doit seiser auters fres q̃ iheire tient de auters seignors per auters seruices &c. & sil fait, les auters sñrs aũa briefe de Amoueas manũ, q̃ est appelť Ouster le main, vna cũ exitibus &c. iffint q̃ ils aucra les issues & p̃fits que sont prises al vse le Roy de ceux terres &c. & le forme del briefe est tiel. C

¶ Rex dilecto sibi A. Eschaetori suo &c. Quia accepimus p inquisic', quam per te fieri fecimus, quod I. de T. defunctus tenuit in dominico suo vt de feodo, die quo obijt, vnum mesuagiũ, & vnam bouať trę cum p̃tiñ in K. de nobis in capite, vt de honore Abbathię Mariæ, in manu nostra existenť per fidelitatẽ & per seruicium triũ solidorũ & nouẽ denar, nobis annuatim reddendť, & quod non tenuit aliqua alia terras & tenta de nobis in capite, vt de corona in balliua tua die quo obijt, p qđ custod terr & tenť quæ fuer p̃d' I. die p̃d ad nos ad præs. debet pertiñ, & qđ tenuit die p̃dict diuersa alia tras & tenta de diuersis dñis pro diuers. seruic', quodq; N. filius p̃dict I. est hær eius propinquior, & ætatis sexdecim annorũ & amplius, cepimus fidelitatem ipsius N. de mes. & tris p̃d. & ea ei reddidimus: Ideo tibi præc', qđ accepta securitate à præt N. de rationabili releuio suo nobis soluendť ad scaccarium nostrũ de mesuag. & tris præd' quæ occasione mortis ipsius I. cepisti in manũ nostram plenam seisinam habere facias: saluo iure cuiuslibet de alijs vero terris & tenemtis quæ præfatus I. tenuit, de alijs dominis in balliua tua die quo obijt, quæ similiter occasione mortis prædicti I. similiter cepisti in manum nostram, te vlterius non intromittas, saluo iure nostro & alterius cuiuscunque, & exitus si

quos

quos de terris & tenẽ q̃ de alijs dñis ſic tenenẽ perceperis, illis ad quos pertinent liberes. ¶ Et p̃ t̃ bꝛieſe appt q̃ lheire en ſocage eſteant al pleine age al temps de moꝛt ſon aunẽ, a̅ lũie ſine exitibus, mes ſil fuit deins lage de 14. ans al temps de moꝛt ſ̃ aunẽ, les pꝛochein amies ſueẽ Ouſtre le main cũ exit̃ mes les auꝛs ſñrs aueẽ Ouſt̃ le main p̃ t̃res tenus de eux p̃ ſeruice de chiualer cum exit̃.

D ¶ Et ſi le roy ad le gard de vn Jdeot & de ſes t̃res q̃ux ſont tenus de Roy en chiefe, & le ideot deuy, & ſon heire de plein age, lheire auera bꝛief de Liuerie en tiel foꝛme.

¶ Rex Eſchaetori &c. Quia accepimus per inq̃ſic' quã per te fieri fecim̃, qd̃ diũſa t̃æ & tenta cũ ptinenẽ in O in manũ domini Ed quondam regis Angliæ aui nr̃i ratioñ fatuitatis & ideoẽ W. de P. iam defunct̃i capta fueẽ, & in manu noſtra ſic exiſtunt, & quod eadem terr̃ et tenẽ tenentur de nobis in capite, vt de honore Abbathiæ Marię, in manu noſtra exiſtẽt, per ſeruiciũ octauæ partis vnius feodi militẽ, & fac' ſecẽ ad wapentag. nr̃m de Holderneſ. de tribus ſeptimañ in tres, ac reddendo ad warda caſtri noſtri de Skiptoñ ad medium quadrageſim̃ decem & ſeptem denarios, quodque Galfridus filius Will' de Redmain, conſanguineus p̃d̃ Will' eſt hæres eiuſdem Will' propinquior, & plenæ ætatis, cepimus fidelitatem eiuſdẽ Galfrid̃ de omibus t̃r̃ & tenemẽtis p̃d̃, & illa ei reddidimus, ac homag. eiuſd̃ Galfrid̃ vſq; ad feſtũ Paſchę ꝓximo futuro, de gratia noſtra ſpeciali reſpectuamus: Et ideo tibi p̃cipimus, quod accepta ſecuritate à p̃fat̃ G. de rationabil' releuio ſuo nobis reddend̃ ad ſcaccar̃ nr̃m, eidem G. de oĩbus terris et tenẽ p̃d̃ in manu nr̃a exiſtent̃ plenã ſeiſĩ habere fac', ſaluo iure cuiuſlibet, Teſte &c.

E ¶ Et q̃n̄t lheire en gard le Roy eſt de plein age, il auera bꝛief hoꝛs de chanẽ al gardein de pꝛiuie ſeale, teſmoignãt q̃ il eſt de plein age, & ſur ceo il a̅ũa vn pꝛiuie ſeale al chãberlaine le Roy de receiuer ſon homage, & quant il ad receiue ſon homage, il a̅ũa bꝛieſe del chamberlaine al Chanẽ teſmoignã q̃ il ad receiue ſon homage, & ſur t̃ il a̅ũa bꝛief de Liuerie, & le certaine de ceo matter appt plus alarge ẽ las Abridgements en title de Liuerie, & pur ceo veies la.

F ¶ Et ſi tꝛ̃. Coparceners ſont en gard le roy, ceſty coparcener que pꝛimes vient al age ſueẽ ſon Liuerie, & el auera partiẽ fait ſur la liuerie.

G ¶ Et ſi lheire femele ſoit en gard le Roy, & tient auter terres de auꝛs ſñiozs en ſocage, oꝛe quãt el vient al age de

xiiij. ans el ne ſuer̃ liuery pur les tres ẽ ſocage, mes tarier̃ tanqz al age de xxj. ans, ſi el ne ſoit marrie auant ceſt age, car el ne ſuera forſqz vn liũe pur touts ſes tres &c. ¶ Et ſi hẽ al plein age ſuer̃ ſ liũy, & omitt aſſ̃ pcel de ſon inheritance, cõe aduouſ. ou reũſiõ, ou vn acre de tre, q̃ nẽ troſt p le bẽ de Diẽ clauſit extremũ, & ſur ẽ ſue ſ liũy: ore ſi ceo matt̃ ſoit troue aps p aut̃ office q̃ ſon annẽ morust ſeiſi de ceo aduowſ ou reũſiõ, ou acre de tre, q̃ ne fuit troue p le prim̃ office, ſur q̃ il ſue ſon liuery auant, donqz le roy releiſera tout la tre &c & lheir reſpõder̃ al roy ỏ touts les rents iſſues & pfits reſceiues en le mean tẽps p lheir &c. ¶ Si f le roy tient de roy en chef & ẽ chiefe, & auxy il tyent aũs tres del archeueſqz de Cant̃ p ſeruice de chr, & deuy ſeiſie, ſon hẽ deins age: ore le roy aũa les tres tenus de luy & larcheueſqz aũa les tres tenus de luy en gard: & ceo p le ſtat̃ de Prerog. regis ca. 1. & ſi le roy ſeiſi tout, le archeueſqz aũa Ouſter le main cum exitibus.

¶ Et ſi le f le roy q̃ tient en cheif & p ſeruice de chr, deuie ſeiſi, & eſtr̃ abate, p q̃ lhr̃ al plein age recouer per aſſ. de mortd̃ vnẽ il couient ſuer liuerie & fair homage, & labatoz rndza al roy des iſſues & pfits reſceiues. Et ceſt bẽ de ętate probãda poit eſtr̃ direct a cert̃ cõmiſſioñs denquir̃ del age lenfãt ſibien cõe al eſchet̃, & le form̃ dl cõmiſſiõ eſt tiel.

158 ¶ Commiſſion pro ætate probanda.

REx dilectis &c. Sciatis quod aſſignauimus vos ad iniquirend̃ p ſacramentũ tã militũ quã aliorũ ꝓborũ & legal' hominum de viſñ de N. in com̃ Linc', ſi I. filius & hæres B. apud N. natus, & in eccleſia eiuſdem villæ baptizatus fuit & q̃ ratione minoris ætatis ſuæ in cuſtodia nr̃a exiſtit, plen̄ ætatis ſit, vt dicit, necne. Et ideo vobis mandamus qd̃ ad certos diem & locum, quos ad hoc prouideritis inquiſitionẽ illã faciatis, & illam diſtincte & aperte fact̃ nobis in canc' ſine dilatione mittatis, & hoc breue. Mandauimus enim vic' noſtro Linc' qd̃ ad diem & locũ, quos ei ſcire fac' venire fac' &c. In cuius rei teſtimonium &c.

¶ Et ſur ceo cõmiſſion le bẽ ſer̃ maũd al bir̃ de ẽ panel deuant les cõmiſſioñs a certaine iour p eux limit a luy per lour prcepts, & le bẽ ſerra tiel.

¶ Rex vic' &c. Precipimus tibi qd̃ ſum̃ p bonos ſum̃ xij tã milites quam alios ꝓbos & legales homines de viſñ de N.

qđ ſint coram dilectis & fidelibus noſtris A. B. & C. & hijs quos ſibi aſſociamus ad certos diem & locum quos ijdē A.B. & C. tibi ſcire faciant, parati ſacramēto recognoſcer̄, ſi F. filius & hæres D. apd' N. natus, & in eccleſia eiuſd vill' baptizatus fuit, qui ratione minoris ætat̄ ſuę in cuſtodia nra extitit, plenæ ætatis ſit vt dicit necne, & inſim ad prædict̄ eccleſiam & villā accedāt, & veritatem ætatis p̄d diligent̄ inquirant, & noīa eorum imbreuiari fac'. Et ſcire facias E. & S. cuſtodibus terrę præd heredis qđ tunc ſint ibi ad audiend illam recogn̄, & ad oſtendend, ſi quod obſtare debeat, quar̄ præd I. terras & tenemēta ſua haber̄ non debeat, & habeas ibi noīa illorum duodecim, & hoc breue, Teſte &c.

¶ Et per ceo appiert q̄ ſi le roy ad cōmit le gard del terre al auter, que adonqz le dit commit̄ ſerra garny deſtre ia, mes ſi le Roy ad le gard de tres en ſes maines, donqz ceſt clauſe, Et ſcire fac' E. & S. cuſtodibus &c. ſerra omit en le briefe &c.

F ¶ Et p le rule en le Regiſter fēe ſerra homage & fealtie, & paier̄ relief quant el ſuer̄ ſa liuery, ſi el fuit de plein age al temps del mort ſ̄ aun̄, & ſi el ſoit couert de baron, ſils ont iſſu quant ils ſue liuer̄, donqz le bar̄ fra homage et fealtie, mes ſils nōt iſſue donqz le bar̄ fra ſolement fealtie.

G ¶ Et ſi h̄. ioint q̄ teign̄ de roy p licence del purchas &c. ſi lan deuy, lauter auera ouſtre le main̄ cum exitibus, mes ſi le purchaſe fuit ſans licence, donqz nient, pur ceo que le roy ſeiſier̄ pur lalienation &c.

H ¶ Et ſi f le roy ad terres en diuers com̄, aſcuns de eux tenus de roy, & aſt̄ de auters ſīrs, ore le bre de liuerie ſerra direct al eſchetor de cel com̄, ou la tre, le q̄l il tiēt del roy en chief, giſt, & le brief commenſ. Scias qđ cepimus homag. &c. & il auera brēs as eſchetors de auters counties, & les briefs commenſ. ſic: Cum ceperimus &c.

159 ¶ Breue de liuery poſt mortem patris & matris

I BRief de liuery poſt mortem patris & matris &c. giſt en cas lou pere & mere teigne ſeueralment de roy en chiefe lour terres en fee, & puis ils deuie, & lour heir̄ de plein age, il puit ſuer vn brē de liuer̄ de auer liuer̄ des tres dambid̄, & ne beſoign̄ ſuer diſ̄s briefes cōe heires a ceux ſeueralm̄t, & le form̄ del brief eſt tiel. ¶ Rex dilect̄ ſibi N. de W. eſcaet̄, ſuo in commit̄ S. Sal'. Sciatis qđ cepimus homagium & fidel'

R.

R. de B. filij & hæred R. de B. cher & I. vxoris eius de functor nobis debita ꝑ oĩbus terris & tenẽtis q̃ præf. R. & I. tenuerunt de nobis in capite diebus q̃bus obierũt, & ei tras & tenta illa cum ꝑtiñ reddidimus, et ideo tibi ꝓcipimus, qd̃ accepta ſecuritate de præf R. de rationabili releuio ſuo nobis ſoluend ad ſcacc' nr̃m, eid̃ R de oĩbus tris & tenẽtis præd̃ cum pertiñ in ball' tua, & de q̃bus præd' R. & I. fuerint ſeiſiti in dn̄ico ſuo vt de feod̃ in bal' tua diebus quibus obierunt & quę poſt mortem p̃d̃ R. et I. capta ſũt in manũ noſtrã plenã ſeiſinam habere fac', ſaluo iure cuiuſlibet, Teſte &c.

160 ¶ Brief de liuery apres le mort le tenant per le curteſie.

EST auꝰ forme de hẽc poſt mort le tenẽt p le curteſie, ſic: Rex dilect ſibi eſchaet ſuo in com̃ Linc' &c. Sciatis quod cepimus homag. G. de N. filij I. de N. defũcti de oĩbus terris & tenẽtis quę idem I. tenuit ꝑ legẽ Angl' die quo obijt, vt de iure N. nuꝑ vxoris eius iã defunctę, q̃ de nobis tenuit in capite, matris præd̃ G. cuius heres ipſe eſt, nobis debit, et tras et teneméta illa ei reddidim⁹, & ideo tibi p̃cipim⁹ qd̃ accepta ſecuritate ab codẽ G de releuio ſuo nobis ſoluend ad ſcaccarium noſtrum, eidẽ G. de omnibus, tris & tenẽtis præd̃ cum ꝑtiñ, q̃ ꝑ mortem p̃d̃ I. capta ſunt in manum noſtram plenam ſeiſinã habere fac', ſaluo iure cuiuſlibet, Teſte, &c.

¶ Et p ceo appiert q̃ le tenẽt p le curteſie aũa les terres ayꝛes la moꝛt ſa feme, ſans ſuer ouſter le maine pur ceux terres tenus de roy, mes q̃ lheire ayꝛes ſon moꝛt ſuer̃ ſon liuery de eux &c. pur ceo q̃ le tenaunt p le curteſie demurr̃ tenant al roy &c.

¶ Et ſi home ad terres p le curteſie teñ de roy en chief, & il ad auters terres en fee et deuie, ayꝛe lhr̃e ſuer̃ liuer cibñ des terres de q̃ux le ꝑ p le curteſie fuit ſeiſie en fee de ſ̃ inher̃ dem̃, cibñ come des tres q̃ux il tenoit p le curteſie coment q̃ les tres de q̃ux le ꝑ p le curteſie fuit ſeiſie en fee, ne ſont tenus de roy en chiefe &c. pur ceo q̃ ceux tres ſerra ſibñ ſeiſies en mains le roy, coune les tres queux il tenoit p le curteſie, & le hꝛief ſerra tiel.

¶ Rex dilecto ſibi &c. eſchaetori ſuo in com̃ Ebor̃ ſalutem, Scias quod cepimus homag. et fidel' G. filij & hæredis W. de S & I. que fuit vxor eiuſd̃ W. de S. defunctor̃ de omnibus terris et tenementis que pred' W. de S. pater ſuus tenuit

tam per legem Angl' de hereditate prædict' I. quond' vxoris ſuę poſt mortem ipſius I. quam in dñico ſuo vt de feodo die quo obijt, & ei terras & tenem̃ta illa reddidimus, & ideo tibi precipimus, qđ accepta ſecuritate a p̃f. G. filio de rationabili releuio ſuo nobis ſoluend' ad ſcaccarium noſtrum, eidē G. filio W. de S. de oīb⁹ terris & teñtis præd' cum ꝑtiñ, & q̄ præd' W. de S. pat̃ ſu⁹ tenuit tam per legē Angl' poſt mortem præd' I. quond' vxoris ſuę, quam in dominico ſuo vt de feod' in bal' tua die quo obijt, & q̄ poſt mortē ipſius W. de S. capta ſunt in manum noſtram, ſeiſinā habere fac', ſaluo iure cuiuſlibet Teſte &c.

¶ Et ſi le teñt le roy deny, & aꝑs ſa mozt ſa tem eſt endoẅ oze aꝑs la mozt le teñt en doẅer, les terres q̄ el tenoit en doẅer ſerra ſeiſies en mañ le roy, & ihr̃e ſuer liuery de ceux, & le bzieſe ſerra tiel.

161 ¶ Brief de liuerie apres la mort le teñt en dower.

25 REx dilecto ſibi T. de S. eſchaetori ſuo in com̃ Eborum ſal'. Scias quod cepimus homagiū & fidelitat̃ dilecti & fidelis noſtri R. baron̄ de F. nobis pro oīb⁹ terris & teñtis q̄ A. q̄ fuit vxor R. de N quondam vxor R. nuper baronis de F. poſt mortem prędict' R. nup baronis de F. primi viri ipſius A. aui ipſius R. nunc baronis de F. de nobis tenuit in capite die quo obijt, & ei terras & tenemēta illa cum ꝑtiñ reddidimus, & ideo tibi precipimus, qđ accepta ſecuritate a præf. R. nunc barone de F. de rationabili releuio nobis ſoluend' ad ſcaccarium noſtrum eidē R. nunc baroni de F. de omnibus t̃ris & tenementis præd' cum ꝑtiñ, q̄ præf. A. teñ in dotem poſt mortē p̃d' R. viri ſui aui p̃d' nūc baronis de hereditate præd' in bal' tua die quo obijt & q̄ poſt mortem p̃d' A. accept̃ ſunt in manum noſtram, plenam ſeiſinam habere fac', ſaluo iure cuiuſlibet, Teſte &c.

¶ Et ꝑ ceo appiert, q̄ teñt en doẅer q̄ eſt endoẅe en le chanc̃ &c. des terres ten⁹ de roy en chief, ou des auꝛs t̃res q̄ux ſont en maines le roy ꝑ la mozt ſon teñt, q̄ il tiendꝛ̄ de roy &c. q̄ iheire aña liuery de ceux t̃res aꝑres ſa mozt, vnꝛ̄ ſemblꝭ, q̄ le reuerſion de ceux terres q̄ el tient en doẅer, ne rem̃ en le roy, mes en le heire, & ſi el fait ẅaſt iheire puniꝛ̄ ceſt ẅaſt.

C ¶ Et auꝛ̄ foꝛm̃ de bꝛ̄e de hūy aꝑs la mozt le teñt de roy q̄ tyent parcel ē fee, & auꝛ̄ parcel en taile ou a term̃ de vie, ſic.

162 ¶ Brief

162 ¶ Brief de liuerie apres la mort ie tenant en taile,& tenant pur terme de vie.

¶Rex dilectis &c.eſchaetor ſuo in cõitat̃ Saloꝑ et march. Wallæ eidem com̃ adiacen̄ ſal'. Quia cepimus homag. et fidelitat̃ dilecti & fidelis noſtri I. de B. filij & hæred̃ I. de B. ſenioris de oĩbus t̃ris & ten̄tis cũ ꝑtin̄ q id̃ I.tenuit de nobis in caꝑ tam in feodo quam ad terminũ vitæ die quo obijt et q̃ poſt mort̃ dicti I. patris,dicto I.filio ꝑtin̄, diſcendere, vel eidem I. filio et S. vxor̃ eius & hæred̃ de corpor̃ ſuis exeuntibus debent aliqualit̃ remañ, et ei terras et ten̄ta illa reddidimus,et ideo tibi ꝑcipimus,qd̃ accepta ſecuritate a ꝑf.I. de rationabili releuio ſuo nobis ſoluend̃ ad ſcaccar̃ nr̃m,eidẽ I. filio de oĩbus t̃ris et ten̄tis pred̃ cũ ꝑtin̄,et de q̃bus ꝑd̃ I.pat̃ ſuus fuit ſeiſit̃ in dn̄ico ſuo vt de feodo talliato, quorum reuerſio ad dictum I. filium pertinet in ball' tua die quo obijt, et per mortem eiuſdem patris ſui capta ſunt in manum noſtram,plenam ſeiſinam habere facias, ſaluo iure cuiuſlibet, Teſte &c.

¶ Et ſi t̃ en taile tient de roy en chiefe & deuy le heire donq̃ le pleine age, il auera tiel bꝛief de liuery.

163 ¶ Briefe de liuerie pur lheire en taile.

¶ Rex &c. Scias quod cepimus homagiũ & fidelitat̃ dilect̃ nobis W. &c. filij & hær̃ W.de B.defuncti de omnibus terris & ten̄tis quæ ꝑd̃ W. pater ſuus ſibi et hær̃ ſuis de corpor̃ ſuo exeunt̃ ex dono & conceſſione W.de S per fin̄ inde in cur̃ nr̃a de licent̃ nr̃a leuat̃ de nobis in capite die obitus ſui tenuit, & terr̃ et ten̄ta illa ei reddidimus,& ideo tibi ꝑcipim⁹, qd' accepta ſecuritate a ꝑf.W.&c.

¶ Et ſi t̃ le Roy tient per petit ſerieantie & deuy, & ſon heire deins lage de xbuj. ans, donq̃ il añ̃a tiel bꝛief dauer ſeiſin de ſes terres,ſic.

164 ¶Briefe de liuerie pur terres per petit ſerieanty.

¶ Rex dilectis &c eſchaetori ſuo in com̃ Suff. ſalut̃ Quia accepimus ꝑ inq̃ſitiõ, quam per te fieri fecimus, quod T. P. defunctus tenuit in dominico ſuo vt de feodo die quo obijt decẽ meſuag.C.acr̃ tr̃,xl.acr̃ prat̃,& decem acr̃ paſtur̃, triginta acr̃ moræ, ac xx. ſolid̃ reddit̃ cum pertin̄ in W. in com̃ predict' de nobis in capite per ſeruitium xx.s. nobis ad manerium de L.annuatim ſoluend̃ pro omni ſeruitio,et qd' non tenuit aliqua alia t̃r̃ ſeu ten̄ta in dn̄ico ſuo vt de feodo de nobis, nec de alijs in comitatu ꝑd̃ die quo obijt & quod W. filius predict' T. eſt hæres eiuſdem T. propinquior,et

ætatis decem et octo annoꝝ & amplius, tibi ꝓcipiñ qđ capt̃ fidelitate ipſius W. iuxta forñ cuiuſdã ſcedulę præſentibus interclauſæ,et accepta ſecuritate ab eodẽ W.de rationabil' releuio ſuo nobis ſoluendđ ad ſcaccar̃ noſtrum,eidem W.de meſuag. terra,prat̃,mora, et redditu ꝑđ cũ pertiñ,quæ per mort̃ qđ T.capta ſunt in manũ nr̃am plenã ſeiſinam habeꝝ fac' ſaluo iure cuiuſlibet, Teſte &c.

¶ E per ceo appiert, que theire en ſocage nauera liuery cum exitibus, ſil paſſ.lage de xiiij. ans, mes deins lage de xiiij.ans,il aũa liuery cum exitibus &c. e ceo eſt tenus pur diuerſitie a ceſt iour.

¶ Le r le roy ad iſſue fits D.de B.e 2. files e deux,e le dit D de B.ad liũy,e puis ad iſſue fits H.de C.et deuie le dit H. eſteant en gard le roy per ſon nonage, e puis lun ſoer ad iſſue fits e deuie, et puis le dit H deuie eſteant en gard le roy, e ſon aunt e le fits laut̃ ſoer eſteant de plein age,q̃ux ſueꝝ daũ liũy,ore ils coueꝫ daũ briefe direct al eſchetor, p q̃l il ſerra commandđ al eſchetor đ faire a eux liũy, e de faire ptiꝫ enꝫ eux de ceux tres,q̃ ſont en mains le roy, iſſint q̃ chelꝫ coppeñ aũa ꝑcel del tre q̃ eſt tenus de roy en chief,e le brief ſerra tiel.

165 ¶ Briefe de Liuerie pur launt et neecc de faire partition.

REx dilecto ſibi A.de H. eſchaeꝝ ſuo in coñ &c.ſalut',Sciat qđ' cepimus homagium & fidelitat̃ tam de D.de B filio A.de B.vnius ſoroꝝ D.de B. q̃ T.de B. alt̃ ſororis predict̃ D.de B.conſanguiñ et hæređ H.de B.filij & hæređ pred' D de B.defuncti,quæ de nobis tenuit in capite,nobis ꝑ omnibus tris & teñtis q̃ pred' D.de B.tenuit in capite,q̃ per mort̃ predict' D.de B.et ratione minoris ætat' H.filij & hær̃ eiuſđ D.de B qui quidem H.dum infra ætat' et in cuſtođ nr̃a fuit, diem clauſit extrem̃ ad manus nr̃as deuenerꝝ debita, et eiſđ D.de B.et T. terras et teñta ꝑđ reddidimus, & ideo tibi ꝓcipimus quod accepta ſecuritate à pref D.de B.et T.de rationalibus releuijs ſuis nobis ſoluendđ ad ſcaccar̃ nr̃um,factaq; legali partitione omniũ terrarũ & teñtorũ cũ pertiñ in balliua tua, q̃ per mort' ꝑđ D.de B.et ratione minoris ætat' ꝑđ H.ad man' nr̃as deuener',et in manu noſtra adhuc exiſtũt, iuxta extent' inde factam, vel aliam ſi neceſſe fuerit iterato faciendđ in duas partes equales in preſent' ꝑđ D.de B.et T. vel attorn' ſuorum in hac pte ꝑmuniendor', ſi intereſſe voluerint,

luerint,& eisdē D. de B. & T. de partibus suis ipsos indeiuxt̄ porc' ill' scd'm legem & consuet̄ regni nr̄i Angl' contingent̄ plen̄ seisinā habeā fac', saluo iure cuiuslibet. Prouiso semper, vterq; p̄d̄ D. de B. & T. ptē terr̄ & ten̄t̄ q̄ de nobis tenent̄ in capite, & pur ptem suā habeat, & tenens noster existat cum ptin̄ illā &c. Teste &c.

¶ Et si hōe e la kē e tenet̄ vn man̄ de roy en chief en taile, et deuiet̄, et ont issue 2. fits, & le puisn̄ fits est troue heire p vtue de briefe de Dié clausit extrem̄, & de plein age, et le roy a luy fait liu̇y del man̄, et puis p aut̄ office troue p cōmiss̄ &c. ē troue q̄ leigne frere ē fitz et heire eisne &c. ore sur cest darr̄ office troue le roy mand̄ Scire fac' vz l' puisne fret̄ direct al viē, de luy garn̄ a mē pur q̄ le man̄ ne serra reseisie en mains le roy, et il respond̄ des issues en le mean temps resceu. Et si l' viē ret̄ le bē serue et que il est garny, et il ne vient, donq; le roy reseiset̄ la fre, et serra liu̇y del cest man̄ al eigñ frere, le bē per q̄l le liu̇y serra fait, serra tiel. A

166 ¶ Briefe de liuerie, & a defaire vn liuery fait auant.

REx dilecto sibi &c. eschaetori suo in com̄ &c. Cum nos nuper compto per inquisitionem H. de S. eschaetoris nr̄i in com̄ p̄d̄ ad mandatū nr̄m captam, & in cancellar̄ nostram retornatum, q̄d̄ I filius H.B. defuncti, & T. vxoris eius quæ præfatum I. quondam virum suū superuixit, similit̄ defunct̄, tenuerūt diebus quibus obier̄ in feodo talliato sibi & hæredibus suis de corporibus suis exeuntibus, manerium de L. cū pertinen̄ in com̄ predict̄ de nobis in capite per seruitium militar̄: Et quod T. filius predict̄ I. & T. tunc fuit propinquior hęres eorundem I. & T. & plenæ ætatis, cepimus homagiū & fidelitatem ipsius T. nobis pro man̄ predict̄ debita, & ei man̄ illud cum pertinen' reddidimus, illudquè sibi mādauerimus liberari, sicut per inspectionem rotulorum cancellariæ nostræ plene liquet: Ac postmodum supplicant̄ nobis H.B. filio et hærede eorundem I. & T. vt cum per quand' aliam posteriorem inquisitionē, per p̄f. eschaetor̄ de mandat̄ nr̄o captam, & in cancellariam nostram retornatam fit cōpertum quod predict̄ I. & T. tenuerunt diebus quibus obierunt in feodo talliato sibi et hæred̄ suis de corporibus suis exeuntibus p̄dict̄ manerium cum pertin' de nobis in capite, per seruitium militarie in forma predicta. Et prædictus H. filius predicti I. & T. ætatis quadraginta & sex annorum est frater senior eiusdem T. & hęres eorundem I. & T.

propinquior, absque hoc qđ p̄đ T. est hęres eorundē I. & T. ꝓpinquior, ꝓut per dictā primā inquisic' supponit, velimus mañ p̄đ cum ꝑtiñ in manus nostras resumi, & eidem H. vt fratri seniori p̄đ T. & ꝓpinquiori hæred eorūđ I. & T. liberari iuber̄, ac nos volentes in hac parte fieri, qđ est iustum, ꝓceperimus per br̄e nr̄m vicecom̄ nost' com̄ p̄đ qđ scire faceret p̄f. T. qđ esset cor̄ nobis in cancellar̄ nr̄a in octauis sc̄ti Hillarij ꝓximo ꝓterit, vbicunq; tunc foret, ad ostendēđ, si quid pro se haberet aut dicere sciret, quar̄ mañ predđ cū ꝑtineñ vna cum exitibus inde per ipsum perceptis in manum nr̄am resumi, & idem mañ p̄tar̄ H. vt fratri seniori eiusdē T. filio & propinquiori hæredi eorundē I. & T. liberari, & nobis de exitibus p̄đ per p̄f. T. sic precept̄ respondđ non deberet, & ad faciendđ vlteri⁹ & recipiendđ qđ cur̄ nr̄a considerauerit in hac parte, ac predđ vicecom̄ nobis retornauerit, qđ' scire fecit prefat̄ T. quod esset coram nobis in canc' nr̄a ad diem p̄đ vbicunq; tunc foret, ad ostendđ qđ br̄ nr̄m p̄đ' req̄rebat, ad quem diem p̄đ T. in cancel' p̄đ solemnit̄ vocat̄, non comparuit, per qđ considerat̄ fuit, qđ' mañium predđ cū pertiñ, vna cum exitibus inde per p̄đ percept̄ in manum nr̄am resumat̄, & nobis de exitibus eiusdē rñdeatur, dictumque maner̄ p̄f. H. liberet̄: cepimus homagium & fidelit̄ eiusdē H. nobis p mañio p̄đ cū pertiñ debita, & ei maner̄ illud cum pertiñ reddidimus, tibi p̄cipimus, quod resumpto in manum nr̄am mañio p̄đ cum pertiñ in balliua tua vna cum exitibus p̄đ, & accepta securit̄ à p̄f. H. de rationabili releuio suo nobis soluendđ ad scaccar̄ nr̄m, eidē H de mañio predđ cū ꝑtiñ plenā seisiñ sine dilatione habe r̄ facias, iuxta consuet̄ p̄đ, saluo iure cuiuslibet, & saluis nobis exitibus de maner̄ p̄đ, à tēpore mortis p̄đ T. sic percept̄. Teste &c.

167 ¶ Briefe de Liuerie et de particioñ liberanda quę issera hors del chauncerie al eschetor sur partition fait la.

B Briefe que serra direct a deliū seisin des tres a vn coppener ou a pluſors, lou ascuns sont deins age, & in gard, est fait en diuers sezines: vn mañ bziefe est quant lun coppener est de plein age, & lauter copē deins age & en gard vn ꝓ. a q̄ le roy aūa commit le custoū, donqz per assent del commit̄ le roy, & ptiē poit estre fait en le chaunē durant le nonage lheire en lon gard, & donqz le bziefe direct al eschetoz

toꝛ ſerra tiel. ¶ Rex dilecto ſibi I. de W. eſchaetori ſuo in comitᵗ Somᵉ & Dorſ. ſalutem. Sciatis quod ex aſſenſu P. &c. cuſtodᵒ T. de M. fiˈiæ A. vnius ſororum T. de B. defuncti, qui de nobis tenuit in capite, infra ætatem et in cuſtodia nra exiſtentᵉ, conſanguiñ et vnius hæꝛ cui vna ꝑpars, et C. ſororis et alterius hæꝛ ꝑdictˈ T. de B. plenæ ætatis exiſtentᵉ, cui altera ꝑpars tᵃ terrarū et tenᵗoꝛ q Margeria, quę fuit vxor T. de B. ſenioꝛ ſimiliᵗ defunctᵉ tenuit in dotem, ſeu alias ad terminum vitæ ſuæ de hęreditaᵗ ꝑdˈ T. de M. et C. die quo obijt pertinent, aſſignauimus pꝛefˈ C. maña, terꝛ, et tenemᵗa ſubſcripta, viz. manerium &c. habendˈ in ꝑpartem ipſius C. ipſum de omnibus manerijs, ᵗris, et tenemᵗis ꝑdictᵉ, ſecundū legᵉ et conſ. regni nꝛi contingentᵉ, et eidᵉ C. cuius homagiū et fidelitatem cepiᵐ, in purpartem ſuam ꝑdictᵉ reddidimus. Et ideo tibi ꝑcipimus, qdˈ accepta ſecuritate de ꝑſ. C. de rationabili releuio ſuo nobis ſoluendˈ ad ſcaccarium nꝛm, eidˈ C. ꝑdˈ maneꝛ &c. cū pertiñ ſuis in balliua tua liberes habᵉᵃ in ꝑpartᵉ ſuā ꝑd ꝑ ſaluo iure cuiuſlibet &c.

¶ Si teñt le roy ad iſſue vn R. M. ſon fits eigne, et G. de M. ſon fits puiſne, & vn Alice ſon file, & deuie, & puis R. M ad iſſue vn fits E. & puis R. M mozuſt ſeiſie &c. le dit E. eſteant deins age, & G. de M. ad iſſue B & deuie, et W. ad iſſue C. feme A & hamb de C. & L. de B. & puis E mozuſt ſeiſi en gard le Roy deins age, & puis ſa mozt eſt troue p vn offic. c virtute breuis, q̄ C. feᵐ A. Chāb. de C. & L. de B. ſont couſins, & ꝓchein hēes, & de plein age, & puis per auᵗ office eſt troue per cōmiſſ. &c q̄ M. file le dit Alice ſoer le dit R. M. pere le dit E. fuit coſin & pꝛocheine heire a le dit E. & de plein age, ſur q̄ les dits A. Chāberl' & L. de B. coſins le dit E viendꝛont en chauncery, & aña Scire facˈ vers le dit M. file le dit Alice &c. a mē pur q̄ tis naña liuerie de ceux terres cōe heires &c. Et cē bꝛief de Scire facias fuit fait retoꝛnable en le lundie, q̄ fuit en le ſecond ſemaigne de Lent: per q̄ appiert, que les bꝛiefes q̄ux ſerra ſues en chancerie, poient ſibien eſtre retoꝛnes la en temps de vacation hoꝛs de terme, come en temps de terme, & les parties la plede ſibien hoꝛs de terme come en le terme, Et ſur retoꝛne de ceſt Scire facias, le dit M. vient & grant que el ne fuit heire &c. per q̄ les dits A. Chamberl' & C. la fēe & L. de D. aña bꝛief de Liuerie direct al Eſchetoꝛ, reherſ. tout ceſt matter, & reherſ. en meſme le bꝛiefe, que le roy ad reſpite lour homage tanq̄ a certain tour, commaundant le

Eſche-

Eſchetor, q̃ il ſerra ptie ent eux, et q̃ il aſſigñ a chek part de t̃re, eſt ten⁹ de roy en chief, q̃l bñ ſerra ret̃ e enrol en le chanc̃, le qu:l bñ eſt en le Regiſter fo. 316.

168 ¶ Partition et Liuerie apres le mort le tenant per le Curteſie.

B ¶ Sil ſoit troue p office virture breuis, q̃ vn B. tenuit le maſ de B. p le curteſie Dengl' en droit F. q̃ fuit ſa fẽe, le q̃l maſ eſt ten⁹ per ſeruice de chiualer de vn P. come de ſon maſ de H. le quel P. eſt en gard le Roy, et troue fuit ouſter per m̃ loffice, que B. ẽ mort, et M. et A. ſont pchein colins e heires al dit F, et lun deins age, et lauter de plein age: ore ceſtuy de pleine age aũa bñe de Liuerie al eſchetor, que il pr̃ed̃ de luy ſuretie pur paym̃t de ſon reliefk, que il ſerra partition ent̃ les ij. heirs, ceſtaſc. M. et A. en pref. de ceſty qus eſt de plein age, et in p̃ſence des pchein amies de ceſty deins age, q̃l voile veſ, et q̃ il deliu̇ ſeiſin de ſ̃ purptie a ceſtuy de plein age, et q̃ il reteigñ en main le Roy le purptie del aut̃ ſoer: q̃l briefe ſerra retorne et enrolk en le chanc̃, et cẽ briefk appiert fol. 317.

¶ Et autiel bñe ẽ en le Regiſt', lou le k̃ le roy deuy, et lũ de ſes files deins age, et lauk de pleine age, eodem fol.

169 ¶ Partition & liuerie pur terres en Socage.

C ¶ Si home tient en ſocage cert̃ terre dun G. come de ſ̃ manor de B. le quel G. et le maſ eſt in gard le roy pur nonage G. et auxy il tient auters terres de auters ſeignior̃s per auters ſeruices et deuy, et ad iſſue deux files, dont lun ſoit deins age, et lauter de pleine age: ore ils auera liuery hors de maine le roy, ſ. le prochein amy le heire deins age auera liuerie cũ exitibus, e lauter file auera liuerie ſine exitibus, et eſpeciall briefe ſerra direct al eſchetor en ceo caſe reherſ. ceſt matter, e coment le Roy ad pris le fealtie ceſty de pleine age, et ad rend̃ a luy ſa purpartie, commaund̃ leſchetor p m̃ le briefe, que il prend̃ ſuretie de el de plein age de reliefe, e q̃ il ſerra ptition ent̃ les dits ij. files des t̃res tenus p ſocage, et q̃ il deliuer la purptie leigne ſoer a luy, e q̃ il deliuera la purpty del paiſne ſoer a ſes pcheine amies oue les iſſues e p̃fits de cẽ purptie de temps de mort ſon aunc̃, et q̃ il ne intromittee des t̃res ten⁹ dauk̃s ſeignior̃s. Quod breue poies veier fo. 318.

¶ Si

¶ Si tenant le roy ad issue 3. files: & il doñ parcel de ses tres a vn de ses files en frankmariage, & lun des 2. auters files ad issue deins age, & deuie, & puis le tenaunt en frankmariage deuie son heire de pleine age, & puis le t̄ le roy deuie, & puis per office virtute breuis est troue, q̄ la file la t̄ le roy et les issues de les 2. auters files sont heires al t̄ le roy, & que issue lun file est deins age: et puis per auk office est troue q̄ le t̄ le roy done pcel de sa tre a lun de ses files en frankmariage, per q̄ sur ceo office troue, lauter file & issue le second file que est deins age auera Scire fac' vers issue le file q̄ fuit auance p frankmariage, a monstr̄ a cert iour en chanc̄, pur q̄ les tres de queux le t̄ le roy deuy seisie &c. ne serra deliueres a eux come heires solement al tenant le Roy, & si issue cesty que fuit auance per frankmariage soit garnie per le Scire fac', & issint retorn̄ garnie p le vic̄, & fait default, ou ne scauer auk matter monstr̄ a maink son title, donqs sur t̄ serra vn br̄e de Liuerie agard̄ al eschetor, reherse. com̄t le roy ad prise le homage & fealty del eign̄ file, & que il ad rend̄ a luy la purptie, cōmaund̄ al eschetor, q̄ il pnd̄ suretie del eign̄ soer p̄ son relief paier al eschequer, & q̄ il ferra ptic̄ de deux egal parts en p̄sence des pties, sils voilk venir̄, & q̄ il deliuera seisin al soer de pleine age de sa purptie, & q̄ il reteigne lauk purptie en sa maines per reason del nonage la file lauk soer. Vide le br̄e de ceo en Regist' fol. 230.

¶ Si A tient pcel de ses terres en Socage dun B. le quel B est en gard le Roy, & auxy le dit A. tient auk pcel de ses terres en socage dun C. que est auxy en gard le Roy per son nonage, et auxy le dit A. tient auters terres de diuers auters seigniours per auters seruices, et puis le dit A. ad issue vij. files, & puis lun des files ad issue deins age et deuie, & puis le dit A. deuie, et tout cest matter troue per office: ore sur ceo office retorn̄ ils auer̄ br̄e al Eschetor, luy commaund̄ que il prend̄ fealtie de les vj. files pur lour purparties, & pur lour reliefes a payer al Eschequer &c. et que il ferra partition de touts les terres en septem partes en presence des parties, sils voile estre la &c. & que il deliuer plein seisin a les vj soers de lour purparties &c. et que il reteign̄ en main le roy le purpartie del cesty que ē deins age, tanqs le roy luy autrem̄t commaunda, et que il deliuer̄ les terres et tenem̄ts queux sont tenus des auters seigniories, q̄ur sont assignes al purparty cesty deins age, B

al

al prochein amy del enfant, a que lenheritance ne poit discendr̃, & q̃ il deliuer̃ les issues & profits des tres tenus de ses auts sñrs, q̃ de ceux sñrs, q̃x sont en gard le roy a ceux q̃ auer̃ droit de eux auer &c. Et aps q̃ cẽ brief soit ag̃ al Eschetor, si leschetor soit amoue aps q̃ il ad fait partition accordãt al brief, & deuãt le retorn̄ de cẽ brief, donqz sez soers poiẽt suer nouel brief direct al nouel Eschetor, reherse. tout cẽ matr̃, & comt le eschetor fuit amoue auant q̃ il aueit executc le cõmandement a luy direct, commaundr̃ le nouel Eschetor, q̃ si partiẽ ne soit fait &c. q̃ il ferra touts les choses come lauter eschetor deuer auer fait, & reteigne en maines le roy &c.

¶ Et ore si nouel eschetor sur cẽ nouel brief a luy direct, retorne al roy en son chãcery, q̃ il p vertue de cẽ briefe ad fait partiẽ de vij. parts de ceux tres, & q̃ il ad reteigne en mains le roy le purptie cesty deins age, & que il ad deliuer a ij. de les soers lour purparties, & q̃ les auts ij. soers ne veneẽ pur aũ lour purparties, issint q̃ ils rem̃ en maine le roy, ore sur cest retorn̄ les ij. soers poiẽt veñ en chanr̃ &c. & la prier de aũ brief direct al Eschetor oue le trãscript de cest ptition destre enclose en peel, luy cõmandr̃ q̃ il prendre surete de eux p̄ lour relefe &c. & q̃ il deliuer a eux lour purptie a eux apperteign̄ solonqz le dit partiẽ fait, reteignãts en maine le roy le purpty cẽy deins age, tanqz il ad aut cõmandemt, & q̃ il retorn̄ cẽ brief, & ẽ q̃ il ad fait sur ẽ desouth son seale pleinmt & apertmt sans delay. Vide le brief ceo en le Regiſter fol. 319.

¶ Et appt per le Regiſter, que si tenant le Roy ad issue ij. files, & lun deins age, & lauter de pleine age, & deuie, que cesty de pleine age poit suer al Roy de auer le custody del purpartie sa soer, durant sa nonage, & de suer liuerie de laut moitie, & sur ceo el auera especial briefe al Eschetor direct, reherſ. coment le Roy ad resceiue homage de luy, et ad assign̄ a luy le moitie des terres &c. queux a luy apperteign̄ pur sa purpartie &c. & que il ad commit le custodie del auter moitie a luy deuant le nonage del heire q̃ est laut corceñ, cõmand p m̄ le brieve leschetor, que il prẽdr̃ surete de luy de son relefe paier al Eschequer, que il deliuera seisin de vn moitie al dit heire de pleine age, tanqz al plein age lauter coparcener deins age, oue les issues & profits del aut moitie beignants de tẽps del mort laut̃ del especial doñe le roy: Et per ceo appiert, que quant lauter coparcener

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deins age bient al pleine age, que adonqꝫ ils deux suera nouel liuerie iointm̃t, Quod vide en le Regiſter fol. 320.

¶ Et appiert p le Regiſter bziefe, q̃ si hõe ad fre en Lond̃ en fee, & ad issue ij. files, & iella la fre a terme de vie & moruſt, & puis le f a fme de vie moꝛuſt, & ses files de pleine age, & ceſt matt̃ troue p office &c. oꝛe les ij. files suer̃ bẽe de Liuerie de ceux fres, pur ceo q̃ ils sõt ten⁹ de roy en Burgage & le bẽe serra direct al Eſchetoꝛ, luy cõmaũd̃ q̃ il fer̃ ptiẽ ent̃ lez ij. files de ceux fres & teñts. Et si ũ file soit endet al roy, dõqꝫ p m̃ le bẽe il cõmaũd̃ leſchetoꝛ, q̃ il reteigñ le purpty cẽy q̃ eſt en det le roy en mains le roy, tanqꝫ il ad aur̃ cõmaũdem̃t, et q̃ il deliuer̃ laur̃ purpty a laur̃ file, reherſ. en m̃ le bẽe, q̃ il ad pꝛis le homage & fealty del aur̃ file. Et il cõmãd̃ ouſtr̃ al eſchetoꝛ p m̃ le bẽe q̃ il pꝛendr̃ suertie del aur̃ copceñ pur le relieſe ceſty copar̃, si alr̃ soit ent due &c. et q̃ il rer̃ tout ceo en le chancerie south son ſeale &c.

¶ Et si tenant le Roy q̃ tient de roy en chiefe en fee deuie, & ad ij. soers ſes heires, et de plein age, et aur̃ fee que tient en dower aux fres pur term̃ de ſa vie de aſſignemẽt son baron, queux fres sont auxy tenus de roy en chiefe deuie, et le reuerr̃ de ceux fres sont dl inheritans de m̃z ceux soers: oꝛe ils auera vn bẽe de Liuerie al Eſchetoꝛ de touts ceux terres, reherſ. ceſt matter, et com̃t il auera pꝛis lour homage et fealtie, ou q̃ il auera r̃ reſpite a cerr̃ iour &c. que il ad rend a eux lour parparties, cõmand̃ leſchetoꝛ, que il pꝛendr̃ ſuertie de eux de lour relieſes a pater &c. q̃ il ferra egal ptiẽ enter eux, & r̃ en lour pꝛeſence, ſils voll̃ veñ a r̃ &c et que il face a eux plein ſeiſ. a cheſr̃ pur ſa purpartie ou tiel pꝛouiſion q̃ cheſr̃ de eux aũa pcel de ceſt rẽt que eſt iſſint tenus de Roy en chiefe pur ſa purparty, iſſint q̃ cheſr̃ de eux soit tenant de Roy. Et appiert p ceo bziefe, q̃ rẽt puit eſtr̃ tenus de Roy p ſeruice de chiualer en chiefe, ſibñ cõe fre &c. Vide le bẽe en le Regiſter fol. 318.

170 ¶ Briefe de Dote aſſignanda.

BRiefe de Dote aſſignanda giſt ou troue eſt per office, que le tenant le Roy fuit ſeiſi des tenements en fee, ou en taile le iour que il moꝛuſt &c. et tient de Roy en chiefe &c. oꝛe la feme poet et doit dener en chauncerie, et la de faire ſerement, que el ne luy marier̃ ſans licence le Roy, et ſur ceo le Roy puit luy aſſigñ dower en chauncerie de

ceux

ceux manoꝛs & terres, & ſur ceo el aũa bẽe direct al eſchetoꝛ ou les terres ſont, que ſerra tiel.

¶ Rex Eſchaetori ſuo in coñ B. ſalutẽ. Scias quod de terris & teneñt quę fuer N. defuncti, qui de nobis tenuit in capite, & q̃ occaſione mortis eiuſdẽ N. capt ſunt in manum nr̃am, aſſignauimus I. quæ fuit vxor præd̃ N. tertiam partẽ maner̃ de T. & C. in coñ T. cum ꝑtinent̃, necnon iij ꝑtẽ purꝑt̃, q̃ fuit ipſius N. cuꝝ libertatis honoris Wintoñ, & viſus franci pleg. in dicto coñ T. habend̃ in dotem ipſam de manerijs & purparte præd̃, ſecundum legem & conſ. regni nr̃i Angliæ cõtingent̃; necnon de aſſenſu Ed. principis Walliæ filij noſtri chariſſimi cui cuſtod̃ maner̃ de R. in coñ Buck. quæ ad l.li. & manerij de N. cum pertineñ in dicto coñ B quæ ad x.li extendunt̃ per annũ, ſicut per extentas inde de mandato noſtro fact̃, & in canc' noſtram retorñ eſt compert̃: aſſig. nauimus præf. I. dict̃ maner̃ de N. cũ pertinent̃ pro dote ſua dictorum maner̃ de R. & habend̃ in forma ꝑd̃. Et ideo tibi præcipimus, qd̃ eidem I. dictum maner̃ de N. cum ꝑtinent̃ liberes habend̃ in dotem ſuam, ſicut ꝑd̃ eſt, Teſte &c.

D ¶ Du quant la feme ad fait ſa ſereñt en le chanc̃, el poit aũ bẽe de Dote aſſignanda direct al Eſchetoꝛ de luy aſſigñ dower, & le bẽ reherſe, que el ad fait ſa ſereñt en chanc̃ &c. Mez le vſe eſt de faire la aſſigneñt en le chanc̃ del dower, & de ag. bẽ al Eſchetoꝛ de deliuer luy cẽ terre iſſint aſſigne, et coñt que le roy cõmit le cuſtody del gard des fres a vn aut̃, vnc̃ le roy poit aſſigñ dower en le chanc̃ al fẽe, et aũa bẽe al Eſchetoꝛ de deliuer a luy cẽ dower, cõe appiert per le Regiſter, & le bẽ ſerr̃ tiel. ¶ Rex Eſchaetori &c ſaluꝫ. Cũ inter cæter̃ terras & teneñt̃ I. quæ fuit vxor N defuncti, qui de nobis tenuit in capite, per nos de ẽris & tenent̃ quæ fuer̃ præd̃ N. in dotem aſſignat̃ aſſignauerimus eidem I. partem maner̃ de Grouby cum pertinent̃ in coñ ꝑd̃, necnon tertiã ꝑtẽ purpartis, quæ fuit ipſius N. cuꝝ libertatis honoris W. & viſum franci plegij in eodem coñ, habend̃ in dotem in forma prædict̃. Tibi præcipimus, qd̃ eidẽ I. cuius ſacrament̃ qd̃ ſe non maritabit ſine licentia nr̃a, recepimus, dictas tertias partes in balliua tua in preſentia cuſtod̃ eorundem maner̃, & tertiæ partis per vos inde ꝑmuniend̃, ſi intereſſe voluerit vel attornati ſui in hac parte aſſignat̃ & liberari fac', habẽd' in dotem ſicut prædictum eſt, & cum aſſignationem illam &c. Teſte &c.

¶ Et ſi feme ꝑz le mort le baron deſcẽ en chanc̃, & ꝑia

la sa dower, le Roy puit graūter brief al Eschetor, luy cō-maund que il prendē suerty del feme: que el ne luy marieē, & que l'eschetor luy assign dower &c. & le brefe ſerra tiel.

¶ Rex Eschaetori &c. Præcipimus tibi qđ capto sacrāmto M. quæ fuit vxor W. defuncti, qui de nobis tenuit in capite, qđ se non maritabit sine licentia nostra, eiđ M. rationabil' dotē suam, ip̄am de omnibus tris & tenēt q̄ p̄đ W. quond' vir suus tenuit in dn̄ico suo vt de feodo in balliua tua die quo obijt, & q̄ p̄ mort̄ p̄đ W. capt̄ fuer̄ in manū nr̄am, & in manu nr̄a si existunt, secūdū legē & cons. regni nr̄i Angl' contingent̄ p̄ extent̄ inde fact̄ vel aliam si necesse fuer̄ iterato faciendđ in presentia B. per te inde p̄muniendđ, si infesse voluerit assign̄ fac', & cum assignationē ill' sic feceris, eam sub sigillo tuo distinctè & aperte mittas vt eam in rotulis canc' nostræ prout moris est irrotul' faciamus, Teste &c.

¶ Et si hōe deuie seisie des terres q̄ux sont tenus p̄ ſeruice de chiualer de ascū manor, ou autrem̄t, come dalcun Abbey, Eueschery, ou Priory, ou tiels q̄ux sont en mains le roy per reason de vacat̄ de Abbey, ou Eueschery &c. ore si la feme voile aū dower, el couient suer en le chanc̄ pur auer tiel bē direct al Eschetor de luy assign̄ dower. Mes la le feme ne fra sereim̄t, que el ne luy marieē sans licence le Roy, come appiert per le bē que est tiel. A

¶ Rex &c. præcepimus tibi qđ A. q̄ fuit vxor B. defuncti, qui de Abbathia de Burgo S. Petri nuper vacantis, & in manu nostra existent̄ tenuit per seruicium militare rationabil' dotem suam de omnibus terris & tenem̄t &c. q̄ præđ B. vir suus tenuit in Abbathia p̄đ in balliua tua die quo obijt, & q̄ post mortem ipsius B. in manu nostra existunt &c. *vt supra.*

¶ Et autiel bē puit estre fait pur feme pur terres q̄ lon baron tenoit p̄ seruice d̄ chiualer de mas̄ de ceſty que est en gard le roy p̄ reason de son nonage. Mes la el ne fra sereim̄t, que el ne luy marieē, nient plus que en le case auātdit.

¶ Et le roy puit assign̄ terres en dower en le chaūcerie, rendant cert̄ rent annuelm̄t al roy &c. pur ceo que les fres excedē le verie vaine del tierce part de touts les tenūts, de q̄ux el deueē auer dower, & donq̄s sur ceo assignement fait en le chancery, el aūa & suera tiel bē al Eschetor. B

¶ Rex Eschaetori &c. Sciatis quod de tris & tenemētis quę fuerunt E. de B. defuncti, qui de nobis tenuit in capite, & quæ occasione mortis eiusdem E. capta sunt in manū nr̄am, assignauimus M. quæ fuit vxor p̄dict̄ F. maneria subscripta,

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videlicet maneria de B. & C, &c. cum pertiñ in comitatu T. q̃ ad centum libras extenduntur per annum, habend̃ in dotem ipsam de terris & tenemẽt̃ præd̃, secundũ legẽ & cons. regni nr̃i Angl' contingent̃, reddend̃ inde nobis per annum ad scaccar̃ nr̃m tm̃ qd̃ excedit dot̃ suprad̃. Et ideo tibi præcipimus, quod eid̃ M. dicta maneria cum pertineñ liberes, ei habenda in dotem suam in forma prædict̃, Teste &c.

℄ **℄ Et si feme soit impotent, issint que el ne puit venir en chaunc̃ pur faire serement & a dõer sa dower, donqz el puit suer especial bẽe direct al cert̃ person̄ d̃ p̃cnd̃ son serem̃t, & de resc̃ attorney pur la fẽe de suet̃ pur sa dower en chañ̃ &c. & ie bẽe appiert en le** Registr fol. 298.

D **℄ Et si le Roy fait liuery al heire a son pleine age, saluãt al feme sa dower destre assigne per le Roy, oze si la feme voille dõer dower, el content suer pur cest en chancery, & si el dõ sa dower ia, donqz issera vn especial bẽe al Eschetoz, que il garñ heire destre en chancery a certeine iour &c. & la feme aura meisme le iour de resceiuer sa dower &c. & le bẽe que issera vers heire serra tiel.**

¶Rex Eschaetori &c. Cũ domin⁹ Ed. nuper rex Angliæ pater noster xx. die Ianuar̃, ꝓximo prẽterito ceperit homag. T. de B. filij & hered' T. de B. defuncti, de omnibus terris & tenẽtis quæ idem T. pater suus tenuit de dicto patre nostro die quo obijt &c. & terras & tenta illa reddiderit, eaque sibi mandauer̃ liberari: saluo iure cuiuslibet, & salua M. quæ fuit vxor præd̃ T. rationabili dote sua, ipsam de terr̃ & tenẽt̃ p̃d̃ secundũ legẽ & cons. regni nr̃i Angliæ contingent̃ ei prout moris est assignand̃, sicut per inspectionem rotul' Cancell' dicti patris nr̃i nobis constat, Ac p̃fat̃ M. nobis supplicauerit, vt ei dotem suam ipsam de terr̃ & tenẽt̃ p̃d̃ cõtingẽt, secũdũ legẽ & cons. regni nr̃i Angl' assignari faciam⁹, ꝑ quã die dedim⁹ p̃f. M qd̃ sit in cãcell' nr̃a in crastiñ aiarũ &c. vbicũq; &c. ad recipiend̃ dotẽ suam p̃d̃: Tibi p̃cipim⁹, quod scire fac' p̃f. T. qd̃ ad die p̃d̃ interfit assignationi dotis p̃d̃, si sibi viderit expedire, et habeas ibi nomina &c et hoc breue Teste &c.

℄ Mes si le Roy fait al heire vn liũy p son bziefe direct al eschetoz, per quel bzief il cõmand̃ son eschetoz a deliuer a luy seisin de touts ses terres &c. saluo iure cuiuslibet, **et il ne mitta en cest bzieue ceux poir,** salua M. q̃ fuit vxor &c. rationabili dote sua, ipsam de tris & tenement̃ &c. contingẽt, et per nos assignand̃: **donqz en cest case la feme content suer son bzieue de Dower vers le heire, si el ne voile de-**

min

maundet dower de ceux terres, p̄ ceo q̄ le roy ad fait liūie generalm̄t de ceux t̄res p̄ son bziefe, sans aſcun reſeruation de dower p̄ luy dēe assign̄ &c. ¶ Et ſi le roy fait reſeruat̄ del dower destre ās̄ign̄ p̄ luy p̄ son bziefe de liūie q̄ est direct al eſchetor, ſi le fēe ne vnqz demaund̄ dower, ou ſi el ad dower a luy assign̄ per le Roy en le Chancerie, vncore apres cest assignem̄t fait p̄ le roy le reuerſion de ceo est en lheire, & il ne ſuer̄ liuerie de ceo reuer̄ apres le mort le t̄ en dower, pur ceo q̄ le bziefe de liuerie ne reſerue al roy riens forſqz la assignem̄t del dower al fēe, mes le bziefe cōmand̄ leſchetor a deliuer ſeiſin de tout la terre, & t̄ leſcheator fait, et per cē le liuerie de tout le terre paſſa del roy, & per ceo il enſue, q̄ quant le fēe est assigne ſa dower p̄ le roy ē chanc̄ q̄ vncore le reuerſion repoſe en lheire &c. p̄ que il ne ſuera nouel liuerie de cel reuerſion aps̄ le mort le t̄ en dower &c. tamen q̄re de ceo cas. A

¶ Et ſi la fēe ſoit assign dower en chanc̄, & puis est ſurmit p̄ lheire ou p̄ aut̄ pur le roy, q̄ le t̄re assigne al fēe nest extend al veray value, mes q̄ le t̄re assigne a luy est mult plus en value, q̄ il est extend, & q̄ le t̄re q̄ rem̄ en mains le roy est extend a veray value &c. ore ſut t̄ le roy mād̄ bziefe al eſcheator ō faire nouel extēt, & ſur t̄ bziefe ret̄ ſil ſoit trou q̄ le t̄re assigne al feme est de plus value &c. ore ſur ceo retorn̄ Scire fac' ſerra agard vers le feme, a monſtre pur quoy el ne ſerra nouelm̄t endow &c. & ſi el ſoit garny & fait default, il ſemble q̄ el ſerra nouelm̄t endow p̄ son default, ou ſi el appēr & ne ſciet riens dire al contrarie de ceo nouel extēt, & fra nouelm̄t endow, iſſint q̄ pcel del t̄re a luy assign̄ ſerra pris de luy &c. al pleaſure le Roy, ou le Roy poit faire nouel assignm̄t de tout ceo q̄ el auer en dower, ſi luy pleiſt, & nouel bziefe ſerra direct al vicont a deliuer al fēe ſeiſin de t̄ q̄ el ſerra iſſint nouelment assigne, come ſemble, quer̄ del vſe en ceo point. B

¶ Et ſi feme fait ſerem̄t, q̄ el ne ſoy marier ſans licēce le roy, & est endow ſur t̄ &c. & puis el ſoy mary ſans licence &c. donqz le roy mand̄ bziefe al eſchetor, q̄ il ſeiſera touts les t̄res q̄ el tient iſſint en dower, cōe appt per le Regiſter, & nemy touts les autres t̄res q̄ el ou ſon baron ad en lour droit dem̄, & le bziefe est tiel. C

¶ Rex eſchaetori &c. Cum A. que fuit vxor I de B. defuncti qui de nobis tenuit in capite, que nuper ſacrament̄ p̄ſtitit corporale quod ſe non maritaret ſine licentia noſtra, tam

se W. de P. maritauerit, licentia nra super hoc non obtenta vt accepimus, nos contemptū hmi nolentes transire impunitum, necnō indemnitati nostræ volentes pspicere in hac parte tibi precipimus, qd si ita est, tunc omnia tras & tenta, q̄ pd W. & A. tenent in dotem ipsius A. de hæreditat pd I. in balliua tua sine dilatione cap in man nrā, ita qd de exitibus inde prouenientibus nobis respondeas ad scaccar nostrum, quousque nobis de forisfactura ad nos inde pertin satisfact fuer, vel aliud inde duxerimus demandand, Teste &c.

171 ¶ Breue de Leuari facias.

D BReue de Leuari facias est briefe q̄ illera horz de record, & illera aſcun foits horz de Chanc, & aſcū foits horz de auter court, ou le record est resident. Come si home soit obligie p recogn. en chāc en xx. l. a paier al feast de S. Michael pchein ensuant: oze sil ne pay cest summe al iour &c. il auera cest brief direct al vic, q̄ il leuie cest summe de ses fres & chateux, & le forme de briefe est tiel.

E ¶ Rex vicecom &c. Quia I. filius B. soluisse debuit M. de B. xx l. in festo S. Michael', ann regni nostri &c. sicut constat nobis per inspection rotulor cancell' nr̄æ, & eas ei nondum soluit, vt dic', tibi pcipimus, qd prædictam pecuniam de firis & catallis ipsius I. in balliua tua sine dilatione leuari facias, ita quod eam habeas in cancellaria nra in crastino natiuit S. Iohannis Bapt proximo futur vbicunq; tunc fuerit, pt. M ibid liberand, & hoc nullatenus omittas, & hēas ibi hoc breue &c.

C Et il puit aū Al' & Plur, vel causam nobis significes direct al vic: Et sil ne voille retorn le bē, il auera attachment vs le vic &c. Et cest briefe est briefe done p la cōmon ley deuant le stat de Westm 2. que done le brief de Elegit: mes cest briefe conient estre sue deins lan aprez le iour del payment destre fait per le recogn. car aprez lan & iour del payment destre fait, sil ne sue le brief, donqz il conient auer brief de det deuant le stat de Westm 2. que done Scire facias vers cesty que fuit illint oblig. per recognit. mes oze per cest statute il aūa cē brieve de Scire fac' de faire ley deuer a certaine iour en le chancerie a monstre la q̄ il scauer dire, pur q̄ il ne deuer pay cest summ &c. Et si le vicont sur le Leuari facias retourne, que il ad leuie x. l. del summe &c. les q̄x il ad deliuer al partie &c. oze sur cest retorn, cesty que deuer auer le money, puit suer vn Sicut alias Leuari

fac'

fac' direct al viĕ a leuier le residue del summe, le quel briefe serra tiel.

Rex vic' &c. Quia T. abbas de B. soluisse debuit R. centũ libras &c. in festo &c. anno &c. constat &c. & eas &c. per qđ tibi precipimus, qđ p̃đ pecuniã de terris & catall' ipsius abbatis in balliua tua sine dilatioñ leuar̃ fac', ita qđ eam habeas in canc' &c. vbicunque &c. pref. R. ibiđ liberand': ac tu nobis retornasti, qd' cepisti in manum nr̃am per diuersas vices de bonis & catallis ipsius abbat̃ ad valenc' &c. quos inde leuasti, & pref. R. habere feciſti, tibi p̃cipimus q d' resid' debiti p̃dict̃ de terris & catall' ipsius abbatis in ball' tua sine dilatione leuari facias, ita quod illud habeas coram nobis a die &c. vbicunque &c. p̃f. R ibid' liberãd', & hoc nullatenus omittas &c. Teste &c.

¶ Et si pson soit oblige en recons. en chãt en CC. l. de paier a ũtain iour &c. & il ne pay ẽ al iour &c. oze le recons. aũa leuar̃ fac' direct al eueſqz, ou leuari fac' direct a diũs eueſqz, de leũ cest sum̃ de ses bñs espiritual, & le briefe serra tiel. ¶ Rex venerabili in xp̃o patri R. &c. salut̃. Quia I. persona ecclesię de S. com̃ H. vr̃æ dioc' & T. de L. persona ecclesiæ de M. com̃ de B dioc' Linc' soluisse debuer̃ magistro F. ducent̃ libras in festo omnium Sanctorum &c. ann̄ &c. sicut constat &c. vt dicit, Vobis mandam̃, qd' centum & viginti marcas de sum̃ pred̃ de bon̄ & catal' ipsius I. in dicta dioc' vr̃a fiae dilatioñ leuari fac', ita qđ easdẽ cent̃ & viginti marcas habeamus in canc' nr̃a vbicunq; &c. p̃f. F. ibiđ liberand̃ & hoc nullatenus omittat̃ & habeatis ibi hoc breue. Mandauimus enim W. Linc' ep̃o, quod ipse cent̃ & viginti marcas &c. residuas de bonis ecclesiasticis ipsius T. in dicta dioc' sua leuar̃ faceret in forma p̃đ, Teste &c.

¶ Mes si le pson ad tres p son p̃chase, il puit aũ briefe al viĕ de leuier ceo sum̃ &c. mes oze p le stat̃ de Westm̃ 2. ca. 18. il puit suer Elegit sur recons. fait en Chanc̃ direct al viĕ dañ exet̃ del moitie de ses tres, & de touts les bñs & chateux, except les bobus & affris q̃r sont desks pur lour carue, & pur don̄ a luy leit pur lour sustenance, & le fozm̃ del briefe est tiel.

¶ Rex vicecomit̃ &c. Quia R. xj. die Feb. vltimo p̃terito in canc' nostra recognouit se debere N. viginti libras, quas ei soluisse debuit in festo &c. tunc proximo sequenti, sicut constat &c. cancell' nostræ, & eas ei nondum soluit vt dicit, ac idem N. iuxta stat̃ inde editum Eligit sibi liberar̃ pro

predict xx.libris oĩa catalla & medietatẽ terræ ipſius R. tenend iuxta formã ſtat pred : tibi p̃cipiã qd catalla ipſius R; ad valenc' predict viginti librarum p̃ rationabilẽ appreciationẽ eorund, exceptis bobus & aſris carucę in pñtia p̃d R. parte inde p̃muniend, ſi intereſſe voluerit faciend p̃f. N. vel ſuo certo attornato fac' liberar : & ſi catalla illa ad valenc' p̃d xx. librar̃ non ſufficiant, tunc catall' illa ſic minus valẽc' p̃ rationabilem app̃ciationẽ, ac etiam medietatẽ tre ipſius R. in balliua tua per extent̃ ſimiliter in preſentia tua in form̃ p̃d faciend pref. N. vel dict̃ ſuo attornato fac' liberar̃, tenẽd vt liberum teñtum ſuum, quouſq; dictum debitum inde fuerit leuatum, & de eo quod inde fec' nobis in dicta cancell' nr̃a tali die vbicunque tunc fuerit ſub ſigillo tuo diſtinct' & apt̃ conſtare facias, & habeas ibi hoc br̃e, Teſte &c.

¶ Et apres lan̄ & iour de payñt paſſ del reconiſ. le reconiſ. couient ſuer ſcire fac' vers le reconiſour ſur ceo reconiſ. a mẽe q̃ il ſcauer dire, pur q̃ le reconiſee nauera execution, & ſil ſoit t̃ garny ſur cẽ bꝛiefe p̃ le vic, ſil ne vient, ou ſil vient & ne ſcauer riens dire, pur que il auera exet̃ &c. donqꝫ le reconiſ. poit ſuer le bꝛief de Elegit dauer executiõ de touts les bñs & le moitie de ſes terres, & ſi le vic̃ t̃ ſur le Elegit, que le reconiſour ad fait ſeiſer̃t de diũs p̃cels de ſes terres a diuers teñts &c & de tout le reſidue q̃ il ad enſeiſe le roy, oꝫe ſur ceo t̃, les terres des queux le roy ẽ ſeiſie p̃ ceo ſeiſer̃t ſont diſcharges: mes il puit ſuer ſcire fac' de garner les auters teñts a vener a certaine iour de mõſtre pur q̃ lour terres ne ſerra mis en exet̃. Et ſils ſont t̃ garny, & ne veign̄, ou ſils veign̄, & ne ſcaũ riens dire &c. a barre iexet̃, donqꝫ le reconuſ. aũa exet̃ vs eux de ceux terres p̃ bꝛief de Elegit &c. mes il aũa ceſt Eleg. auant q̃ il ad ſue ceſt Scire fac' vs ceux teñts.

D ¶ Et ſi hõe ſoit obl' per reconiſ. en chaunc̃, & le reconiſour ad certaine indentures de defeſanz, de ceo reconiſ. &c. oꝫe ſi le reconiſee voille ſuer execution ſur le reconiſ. le reconiſour poit veñ en chanc̃ & monſtre ceux indentures de defeſans, & q̃ il eſt pꝫiſt de perfoꝫmer eux: oꝫe ſur ceo il auera Scire fac' verſ. le reconiſ. t̃ a certaine iour &c, en chãc̃ & en m̃ ceſt bꝛiefe il auera vn ſuperſed direct al vic̃ q̃ il en le meaſn temps ceſſe de faire exet̃ p̃ vertue del bꝛief ſue per le reconiſee. Et ſi le vic̃ ſur aſcun tiel bꝛiefe retoꝫn̄, que il ad manũ al bailie del libertie de faire execution &c. le quel bailie nad fait aſcun reſpons a luy, oꝫe ſur ceſt retoꝫne il

auera

auera nouel briefe direct al vic̃ ouc vn Non omittas c̃ ieel, q̃ il enc̃ en le franchis, & ferra execution &c.

¶ Et hõe puit suer execution per Scire fac' sur reconu- A
sans fait en temps de auc̃ roy en le chanc̃, ou en le commõ bank, ou en auc̃ court de record &c. Et le roy poit p̃ son cõ- miss. dost authozitie a vn de resceiu conus. de auc̃ home, et de returñ ceo en le chanc̃, Et p̃ vertue de ceo commission il home conust deuant commissioners alcun det al auc̃ destr̃ pay a luy a certaine iour &c. & ceo certifie en le chanc̃ ouc l' commiss. &c. ozc sur ceo certif. fait de cest conusans sil ne paya le det al iour, il aũa Eleg. sur c̃ reconusans issint priz, cibñ cõe il fuit priz en le chanc̃, & le fozm̃ del cõmiss est tiel.

¶ Rex dilecto & fideli suo R. de M. salut. Sciatis qd̃ dedim̃ vobis potestat̃ recipiend̃ recognic' quam I. de H. cor̃ vobis facere voluerit G. de T. de quacunque pecuniæ summa, & i- deo vobis mandam⁹, qd̃ cũ recogñ illam receperitis, nos inde ac de die siue diebus solutionis, necnon de die captioñ eiusd̃ in canc' nr̃a, sub sigillo vr̃o distinctè & apertè reddat̃ certior̃, hoc br̃e nobis remittentes, Teste &c.

¶ Et est auc̃ fozme *sic.* ¶ Rex &c. Sciatis qd̃ dedimus vobis potestat̃ recipiend̃ hac vice noĩe nr̃o, recognitioñ quam I. de T. de quocunq; bebito facere voluerit cor̃ vobis, & ideo vobis mandamus, qd̃ cũ recogñ illã ceperitis, nos ind' sub si- gillo vr̃o distinctẽ &c.

¶ Et per cest commiss. il ad general authozitie de p̃ndze reconus. de chesc̃ pson, q̃ voile conusc̃ asc̃ det deuant luy a quecunqz auc̃ person &c.

¶ Et si hõe soit obl' p̃ reconus. en C. l'. a paye a cink di- B
uers tours xx. l'. ozc immed̃ apzes le pzim̃ iour de payment pass. il poit suer Elegit pur les xx. l'. et al second iour pass. il sueñ auc̃ Elegit, ou Leuari fac' d̃ les auters xx. l'. & issint de touts les xx. l'. apzes chescun iour de payment, il auera tiel briefe de Elegit pur le payment, que ferra fait a c̃ iour, et en tarieñ de son suit tanque touts les iours de paiment sont passes &c.

¶ Et si ij. sont obl' en reconus. en chanc̃, vz. qlibet eorum C
in solid̃ recogñ se debere &c. ozc il puit suer d̃s eux seue- ral Scire facias dauer cest summe destre leuy de lour biens & terres &c.

¶ Et si hõe soit obl' en reconus. en chanc̃ ou auter court D
de record, & puis le reconisee deny, ozc lez execut̃ poiẽt suer E'eg. de auer execution des fres le reconisour, & si le vic̃

ret q̄ le reconisor est mort, donques les exet̄ suet̄ especial Scire fac' vers iheire le reconisor, & vs ceux persons q̄x sont tenits del terre q̄ il auer tour de reconis. fait, & cē bziel de scire fac' retherst. & monst̄, q̄ les executors q̄ sue cē bē, ont eslieu dañ le moitie dez terrez t' reconis. q̄ il añ a tour de reconis. fait &c. Et le forme del bziel est tiel.

¶ Rex vic' &c. Cum I. de W. tali die & añ &c. in cācell' nr̄a recognouit se debere N. nuper duci Lanc' cent libras quas ei soluisse debuit in festo &c. tunc px' futur̄, sicut cōstat &c. et eas ei nondū soluit, vt dicit̄, ac W. B. & C. exec' p̄d̄ nuper ducis defuncti iuxta stat̄ inde edit̄ eleger̄ sibi liberari p̄ p̄d̄ cent̄ libris omnia catalla & medietat̄ tr̄æ ipsius I. W. tenēd̄ iuxta form̄ statuti p̄d̄, p̄ q̄d̄ tibi p̄cipimus, q̄d̄ scire faceres p̄f. I. de W. quod esset in cancell' nr̄a tali die px̄im̄ futur̄ vbicunq; &c. ad ostend̄ si quid pro se haberet vel dicere sciret quare omnia catall' sua, & medietas terr̄ suæ p̄f. execut̄ pro p̄d̄ cent̄ libris liberari non deberent, iuxta form̄ statuti p̄d̄, ac tu nobis retornaueris quod p̄dict̄ I. de W. mortuus est, tibi precipimus q̄d̄ scire faceres hæred̄ ipsius I. de W. necnon tenentibus terr̄ quæ fuit eisd' I. de W. die recogn̄ p̄d̄, q̄d̄ sint in cācell' nr̄a &c. px̄im̄ futur̄ vbicunq; &c. ad ostend̄ si quid pro se habeant vel dicere sciant, quare medietat̄ tr̄æ quam ipsi tenent de terra p̄d̄ p̄f. execut̄ p̄ pred̄ centum libris liberari non debeant, iuxta form̄ stat̄ p̄d̄. Et hēas ibi nomina illor̄, per quos &c. Teste &c.

¶ Et p ceo appt, q̄ si home soit oblige en reconis. &c. cōmt q̄ le reconisee deuy, vnc̄ ses exet̄ ne potent suer Elegit, dañ execut̄ de reconusans deins lan apres le tour de paym̄t, sans suer scir̄ fac' vs le reconisor &c. Mes vs iheire del reconisor, ou les tres ts le reconis. ou les execut̄, mes couiēt suer Scire fac' &c. aukm̄t sils soient oult &c. p tiel exet̄ de tour tres, ils añ a ass. de no. diss. &c.

172 ¶ Briefe de Idemptitate nominis.

BRiele de Idemptitate nominis gist en case ou vn home est sue en action personal, et sur le Cap, ou sur Lexigēt agard, vn aut̄ home que ad e pozt meme le noime, est pris per loyce de t̄ bziel, oze cestuy q̄ t̄ issint pris suera cē bziel de Idemptitate nominis, & cē bziefe serra alcun foits direct al Eschetor, sil soit vere p luy ou ses bēs pris per luy, ou al vicont, si ils soient ver per luy, & le form̄ del bēe fra tiel.

¶ Rex

¶ Rex dilecto ſibi I. de S. eſchaetori ſuo in com̃ Linc' ſalut. Cũ nuper vt accepimus I. de R. de Lond̃ Tauern̄ iã defunctus vt dic', pro eo quod non venit coram Iuſtic' nr̄is de banco ad reſpondend̃ R de tempore quo fuit receptor denarior̃ ipſius R in exigend̃ poſitus fuiſſet in huſtingo noſtro Lond̃ ad vtlagand̃, & ea occaſione die Lunæ proximo poſt feſtum ſancti Petri in Cathedra, anno regni noſtri decimo vtlagatus: ac iam ex parte I. de R. de Lond̃ Baker intellexerimus, quod licet ipſe non ſit idem I. de R. qui ad ſectã ipſius R. vtlagatus fuit, nec aliqua bona ſeu catalla, quæ fuerunt eiuſdem vtlagat̃ ad manus ſuas deuener̃: tu tñ propter idemptitatem hm̃odi nominis & cognominis I. de R. prætendens ipſum I. de R. de Lond̃ Baker eſſe eundem I. de R. de Lond̃ Tauerner, qui ſic vtlagatus fuit, bona & catall' eiuſdem I. de R. de Lond̃ Baker color̃ eiuſd̃ breuis noſtri de bonis & catallis, quæ p̃d̃ I. de R. de Lond̃ Tauern̄ hm̃i in balliua tua die promulgationis vtlagar̃ pred̃, in man̄ noſtrã capiend̃, in manum noſtram ſeiſire intendis, & ipſum ea occaſione multiplíciter inquietas minus iuſtè, in ipſius I. de R. de Lond̃ Baker dampnum non modicum & grauamen: ſuper quo nobis ſupplicauit ſibi per nos de remed̃ prouid̃. Et quia ipſum I. de R. de Lond̃ Baker indebit̃ p̃grauari nolumus, tibi præc', qd̃ ſi per inquiſitioñ vel alio modo legitim̃ tibi cõſtare poterit, p̃d̃ I. de R. de L. Ba. nõ ẽe eũd̃ I. de R. de L. Ta. q̃ ſic vtlagat̃ fuit, nec aliqua bona ſeu catalla, quę fuerunt eiuſdem vtlagati die promulgationis vtlagariæ prdict̃ ad manus ſuas deueniſſe, vt eſt dictum, tunc captioni bonorum & catallor̃ eiuſdem I. de R. de L. Baker occaſione vtlag. pred̃ in man̄ nr̄am ſupeſ omnino. Prouiſo ſemper quod de oĩbus bonis & catall', q̃ p̃d̃ I. de R. de Lond̃ Tauern̄ habuit in balliua tua die ꝓmulgac' vtlagar̃ p̃d̃, ſi quæ fuer̃, nob. reſp̃, vt eſt iuſtum, Teſte &c.

¶ Et iſſint ſi hõe ſoit diſtraint̃ per ꝓces hors deſchequer daccompt̃ &c. pur ant̃ perſon, que auer m̃ le noſm̃ que il ad, donqz il ſuer̃ ceſt bꝛeue dirct as barons deſchequer & al treaſuroꝛ, & le bꝛief ſerra tiel.

¶ Rex theſaur̄ & baronibus ſuis de ſcaccar̃ ſalutem. Monſtrauit nobis I. Clerke de N. quod cũ quidam I. Clerke nobis in quod̃ compoto de exitibus paſſagij viridis caſtr̄ reddendo die quo obijt tenebat̃, qui quidem I. Clerke mortuus eſt, & vocabat̃ dum vixit I. Clerke de A. vt dicit̃, ac pro eo quod pred̃ I. Clerke de N habet idem nomen & cognomen

ſicut pref. I. Clerk de A. ad reddend̄ nobis compoт̄ de exitibus p̄d̄ multiplicit̄ inquietari facitis minus iuſtè, vt accepimus, ſuper quo idem I. Clerke de N. nobis ſupplicauerit, vt ſibi de remedio in hac parte ſubuenir̄ velimus: nos tam pro nobis quam pro p̄f. I. Clerk qd̄ iuſtū fuer̄ fieri volētes, in hac parte vobis mandam̄, qd̄ ſi per aliqua memorand' dict̄ ſcaccarij, vel per inquiſitionem inde, ſi neceſſe fuerit, capiend̄, inueneritis ipſum I. Cl. de A. commiſſion nr̄am de officio illo habuiſſe, & exitus inde p̄textu hm̄di cōmiſſion nr̄æ aut alio modo recipiſſe, & ip̄m I. Cl. de N. hm̄di cōmiſ. noſtram non habuiſſe, nec ſe inde in aliquo nō intromiſiſſe, & ipſum I. Clerke de N. propter idemptitat̄ nominis & cognominis, & non alia de cauſa coram vobis impetit̄ fuiſſe tunc ipſum I. Clerk de N. ad reddend̄ nobis compotum de exitibus p̄dict̄ ad idem ſcaccar̄, prout iuſtum fuerit, exonerari & quietum eſſe fac', proceſſum debit̄ verſus p̄f. I. Cl. de A ſi ſuperſtes ſit, vel hęr̄, executores, ſeu terrarum & ten̄torū ipſius I. Cl. de A ſi mortuus fuerit, tenentes, iuxta iuris exigent̄ facientes. Teſte &c.

¶ Et ſi hōe ſoit pris per capias vtl' il poit ſuer vn briefe de Idemptitate nominis en le Chanc̄, direct a Juſt. de cōmō bank, ſi le pces ſoit ſue la, ou as Juſtic̄ de bank le roy, ſi le pces ſoit la, eux commandō de faire inquir̄ &c. cōe auāt &c. iſſint q̄ c̄ brief ſemble ſoꝛſqꝫ come vn commiſſ de faire inquir̄ & de ſcier le veritie: & ſur ceo brief direct as Juſt. ils ag. briefe al vic̄ denq̄r̄ &c. Mes ſi hōe ſoit vtl' en commō bank, & p̄s per capias: il poit beſi en common bank, & prier briefe denq̄r̄ ſil ſoit m̄ le perſon &c. ſans ſuer auc̄ briefe de Idemptitate nominis. Et ſi exig. ſoit deſte agarde vers vn, ſi vn vient q̄ ad m̄ le noſm̄ & dit q̄ il eſt priſt de rńdr̄: oze le pl' poit dire, q̄ il neſt m̄ le pſon, & donqꝫ le pl' mitt̄ diuerſity des noſmes, & ceo ſerra ent̄, & donqꝫ lexig. ſerra ag. accoꝛdant a ceo diuerſitie, que le pl' ad fait.

¶ Il exig. ret̄ vtl', le defendō appere per ſupſ & le pl' dit, q̄ il q̄ appere ne fuit m̄ le pſon: & opinio Han', que il ſerra miſe a ſuer Idemptitate nominis, & nemy de fair le vtlag. p̄ auter voy.

¶ Et ſi exigent ſoit dit̄ ag. ſur indictm̄t, ſi vn vīet & dit que il auer m̄ le noſme, come ceſtuy vs que le p̄ eſt deſte agarde ſur lendictment, & prie que le attoꝛney le Roy puit mitter diuerſitie des noſmes &c. oze ceo ne ſerra fait: car ceo chang. lendictment, pur ceo que le pꝛocęs conient eſtre

fait

fait accordant al indictmẽt, & ſil ſoit greue p le pces il deſſuer le briefe de Idẽptitate nominis, & naũa auẽ remedy &c. Et poit aũ cẽ briefe direct as Juſt. de peace ſils fait pces dutẽ ſur indictmẽts priſe denãt eux, & auxy as Juſt. de gaol deliũy, cõe appt per le Regiſt. fol. 195. 196.

173 ¶ Breue de Homagio reſpectuando.

BRiefe de Homagio reſpectuando giſt en cas qũt lheire vient al pleine age que tient de roy en chiefe, & doit ſuer ſon liuerie, donqs iordẽ eſt, q̃ il prũes ſerra ſon homage al roy, & ſur ẽ dañ ſ̃ briefe de liũie direct al Eſchetor &c. Mes le roy de ſon grace poit doñ a luy reſpite de fair cẽ hom̃ cy longemẽt cõe a luy pleiſt, & ſur ẽ il aũa briefe al eſcheẽ teſtm̃ cel, luy cõmand de deliũ a luy ſeiſin de ſ̃ tre &c. & le briefe ſerra tiel. ¶ Rex dilecto &c. Eſchaet ſuo &c. ſal'. Scias qd̃ reſpectuamus homagiũ I. ſoror & hẽr I. filij T. de B. defuncti, nob. de oĩbus tris & tenemẽt, q̃ p̃d̃ I. frater ſuus tenuit de nobis in capite die quo obijt, debitũ vſq; ad feſtũ S. Mich. px' futur, & tras & tenta illa ei reddidim̃. Et ideo vobis mandam̃, qd̃ accepta ſecur &c.

174 ¶ Breue de Heretico comburendo.

NOta que il appt per Britton en ſon lieur, que ceux plons ſerrõt arſes, queux felonious̃t arſeẽ auks blæs ou autres meaſons, & auxy ceux q̃ux ſont ſorciers & ſorciereſſes, & ſodomites, & heriticks ſerõ auxy combures & arſes: & appiert p ceo lieur, q̃ ceo eſt le common ley, q̃ vide in Britton lib. prim̃ cap. 17. Mes nota, q̃ ceſty plon que ſerra arſe pur hereſie, coulent eſte prim̃ cõuict de ceo p Leueſqs, que eſt ſon dioceſan, lou il demurt, & abiure de ceſt. & apres ſil ſoit relaps a ceſt hereſie, ou al auẽ, & de ceo dãpñ en le dit dioẽ, dõqs il ſerra mand al ſecular poſwer del clergie, de faire de luy q̃ pleiſt al roy &c. & donqs il ſẽble q̃ le roy poit luy pdoñ de ceſt, ſil voile, & le ſorme del briefe eſt tiel.

¶ Rex &c. Maiori & vic' London ſaluẽ. Cum venerabilis pater Thom̃ Archieps Cantuar, totius Angliæ primas, et apoſtolicæ ſedes legatus, de conſenſu & aſſenſu ac cõſilio coepiſcoporũ & confratrũ ſuffragañ ſuorum, necnon totius cleri prouinciæ ſuæ in cõſilio ſuo prouinciali cõgregat, iuris ordinibus in hac parte requiſit, in omnibus obſeruat, W. Swarr, aliquando capellanum in heriſim dampnatum, &

per

& per ipſum Will'm preantea in forma iuris abiuratum, et ipſum Will' in hæreſim ꝑd̄ elapſ. per ſuam ſententiam definitiuā hæreticū manifeſtū pronunc' & declarat̄, ac degradā-dum fore decreuerit, & ab omni prerogatiua & priuilegio clericali, ea de cauſa realit̄ degradauerit, ipſumq; Will. foro ſeculari relinquendū eſſe decreuerit, & realiter reliquit iuxta leges & canonicas ſanctiones editas in hac parte, ac ſancta Mat̄ eccleſia non habet vlterius quid fac' in premiſſ. Nos igitur zelator iuſticiæ & fidei catholicę cultor, volentes eccleſiam ſanctā ac iura et libertates eiuſdē manutenere & defendere, & hm̄odi hæreſes & errores de regno noſtro Angliæ (quant̄ in nobis eſt) radicitus extirpar̄, ac hæreticos ſic conuictos animaduerſione cōdigna punire, attēdenteſq; hm̄odi hæreticos in forma ꝑd̄ conuictos, & damnatos iuxta legem diuinam & humanā canonica inſtitutione, & in hac parte conſuetudinar̄ ignis incendio comburi debere, vobis diſtrictius quo poſſimus precipimus, firmiter iniungentes quod ꝑf. Will' in cuſtodia vr̄a exiſtent̄ in aliquo loc' publico & aperto infra libertat̄ ciuitatis ꝑd̄ cauſa ꝑmiſſa coꝝ populo public' igni cōmitt̄, ac ipſū in eod̄ igne realit̄ comburi fac' in huius criminis deteſtationē, aliorūq; chriſtianorū exemplū manifeſtū, & hoc ſub periculo incumbente nullaten⁹ omittatis, Teſte &c.

D ¶ Et p cē bꝛief il appt, que hōe deū eſte couict de hereſie p Larcheueſqꝫ et tout le clergy de ꝛ pꝛouince, & abiure de ceo, & apꝛes nouelm̄t conuict & dāpñ per le clergie de ꝛ pꝛouince, & ceo en lour geñal counſel de conuocatiō. Mes oꝛe p leſtat 2. H. 4. cap. 15. eſt oꝛdeigñ, q̄ cheſcū Eueſqꝫ ou ſon dioces, poit cōuict hōe de hereſie & luy abiure &c. & aꝑs luy conuict nouelment de ceſt, & luy dampñ, & de garñ le vic̄ ou aut̄ officer de luy pꝛend̄, & de luy mitter al few &c. & que le vic̄ ou aut̄ offic̄ deū ꝛ faire p le ꝑcept Leueſqꝫ, & ceo ſans aſc̄ bē deſt̄ a eux direct p le roy pur ceo faire. Et ceo eſt le cauſe (cōe ſēble) q̄ cē bꝛief neſt mis en les nouels Regiſters p̄ ceo q̄ ceſt bꝛiefe ne ſerue ne beſoigñ a ceo tour deſte ſue, mes eſt cōe void, & nient en ley per reaſon de cel act.

burning of Heretiques.

¶ Mes oꝛe p le ſtat̄ fait añ 2 5. H. 8. cap. 14. ceſt ſtatute, q̄ fuit fait añ 2. H. 4. eſt repeil' & adnull', & oꝛe eſt oꝛdeigne p ceſt darreine ſtatute, que ceſty que eſt abiur̄ de hereſie, & puis eſchiet en relaps & neſt conuict de ceo deuant lꝛdinarie, que vncoꝛe lꝛdiñ ne doit luy cōmitter a ley poꝛer, de luy comburer, ſans bꝛiefe le Roy pꝛimes purchaſe ſur

ceo

ceo luy comburer, come appiert per le dit act fait añ 25. H. 8. cap. 14 pluis alarge.

175 ¶ Breue ſuper ſtatutum de Marlebridge pur fine ycel, pur non Pulchre placitandꝫ.

BRiefe ſur le ſtatute de Marleb. pur non Pulchre placitandꝫ giſt, ou vicōt ou aukꝫ bailꝫ en ſon court voile prender fine del party pl' ou def. pur ceo q̄ il ne pledꝫ beleūt &c. & le bē ferra direct al viꝫ meſme, ou al bailife, ou ceſty que voile demaundꝫ ceſt fine, & eſt come vn ꝓhibiꝫ a luy, commandꝫ luy q̄ il ne demandꝫ tiel fine, & puit eſtre ſue pur tout le hundꝛed, ou pur tout le countie, come ſemble, lou il voil' demandꝫ tiel mañ fine de eux &c. & le bꝛief eſt tiel. A

¶ Rex vic' &c. Cū de communi conſilio &c. ꝓuiſ. ſit, quod nec in itineribus Iuſtic', nec in com̄, hūdredꝫ, vel in curia baronis de cętero ab aliquib⁹ capiantur fines pro pulchre placitandꝫ, neq; ſic per quod non occaſionent̄: Tibi p̄cipimus, quod ab W. hm̄odi finem de cętero non exigas, vel exigi facias contra form̄ ꝓuiſionis p̄dꝫ, & diſtrictionē ſi quā &c. B

¶ Et pur le hundꝛed le bē ferra tiel: Tibi p̄cipimus, qdꝫ à communitate hundredi de I. hm̄odi finem de cætero non exigas, vel exigi facias contra form̄ &c.

¶ Et p le Rule en le Regiſter, il puit eſtre fait vs cheſ aukꝫ home que voile diſtrē pur tiel fine, & puit auer Alias & Plur̄, & Attach. ſur ceo, & ſi apꝛes le pꝛim̄ bꝛief de pꝛohibiꝫ delū̄, il diſtrē pur tiel fine, donq̄ le party q̄ eſt diſtreins puit ſuer Attach vs le viꝫ ou bail', ou ceſty que luy diſtrē &c. et le fourme de bꝛief Dattach. eſt tiel. C

¶ Rex Coronatoribus ſuis in com̄ Linc' ſalut̄. Si A. fecerit &c. tunc ponite &c. B. vic' nr̄m, vel vic' nr̄m com̄ predict̄, quod ſit coꝝ Iuſtic' nr̄is &c. oſtēſ. quare cū de cōi conſilio &c. *uſq; ibi*, ab aliquibus nō capiātur fines pro pulchre pl'itandꝫ, neq; ſic ꝓ quod non occaſionēt̄, idꝫ vic' vel idem B. diſtrinxit præf. A. ꝓ hm̄di fine preſtandꝫ in com̄ p̄dꝫ, cont̄ form̄ ꝓuiſion̄ p̄dꝫ, ac cont̄ ꝓhibic' nr̄ā, & hēas ibi &c. & aueria ipſius A. ea occaſione capta interim deliberari fac', Teſte &c.

¶ Mes nota q̄ il puit ſuer cē bē de Attachm̄t vers le viꝫ, ou auter coment q̄ il ne bꝛaques ſue aſē bꝛiefe de Pꝛohibition auant direct al vicont ou al bailꝫ, mes donques il couient eſtre diſtreine pur ceſt fine, car le ſtatute eſt vn pꝛohibition en luy meſm̄ al vicont, & a cheſcun aukꝫ que il ne diſtrē pur fine pur Pulchre placitando: Mes ſi le vicont ou

ou auter demaund tiel fine, & ne dist̃ pur ceſt, donq; il ne puit ſuer briefe Dattachm̃t **pur ceſt demaund fait, car il nē endamage per le demand &c.**

176 ¶ Graunts faits per le Roy expreſſes & conteignes en le Regiſter deſtre remembres.

D REx Balliuis & ꝓbis hominibus villæ de P. ſalutem. Sciatis quod de gr̃a nr̃a ſpeciali conceſſimus vobis in auxil' villæ pred̃ pauiand̃, quod à die confectionis ꝑſentiũ, vſq; ad finem quinq; annorũ ꝓxim̃ ſequent̃ plenarie cõplendorum, capiatis in eadem villa conſuetudines ſubſcriptas, viz. de quolibet ſũnag. Et ideo vobis mandamus, quod conſ. ꝑdict̃ vſqe ad finem termini ꝑd̃ capiat, vt ꝑd̃ eſt, completo autem t̃mino dictor̃ quinq; annor̃ dictæ conſ. penit⁹ ceſſent & deleant̃ In cuius &c.

177 ¶ Graunt de Seneſchalſie.

E REx &c. Sciatis quod conceſſimus dilecto & fideli nr̃o W. de H. officiũ & regimen Seneſchalciæ &c. cũ omnibus ad dictum officium pertin̄, quãdiu nobis placuerit: Et ideo vobis mandam⁹, quod eidē W. in omnibus tanquã Seneſchall' pareat̃, reſpondeatis, & fideliter intendatis. In cuius &c.

178 ¶ Graunts de Letters Patents.

Fl VIde en le Regiſter **notables fozmes des grauntes de Letters patents faits p le roy en diuers manīs, eſpecialm̃t enter les briefes de** Ad qd̃ dāpn̄, **& auxy apres les briefs de** Corodio habend̃. **Et la eſt vn patēt fait de** cuſtodia Foreſtæ Regis in recõpenſationē certæ ſummæ alicui p Regē ad vitã ſuam conceſſam.

¶ Et auxs letts patents la faits ſur indent̃ ent̃ le roy & aut̃ de appꝛompt̃ del money fait per le Roy, per queux patents le roy grant & ꝓmitte de tener couenant.

¶ Grant de roy del pꝛim̃ bñfice q̃ happ̄ voide eſt tiel.

¶ Rex Cancellario ſuo qui nunc eſt, vel qui pro tempor̃ fuerit, vel cuſtodi magni ſigilli ſalutem. Promotionē dilecti clerici nr̃i A. prætextu boni ſeruicij ſui tam dño Edwardo quondam regi Angliæ auo nr̃o, quam nobis impenſi cordit affectantes, ac volentes ipſum à ꝓmiſſa cõſideratione fauor̃ proſequi gratioſo: Volñ qd̃ idem A ad primum beneficiũ

eccle-

eccleſiaſticum, taxationem viginti marcarum excedens vacaturū, qđ ad ꝑſentac' nr̃am ꝓtinuerit, & qđ duxerit acceptand̃ ꝑſentet. Et ideo vobis mandam̃, qđ eidē A. lr̃as nr̃as de ꝑſentac' ad prim̃ beneficium eccleſiaſticū vacaturum, qđ ad nos ſic ꝓtinuerit, & qđ duxerit acceptand̃ ſub p̃d̃ magno ſigillo nr̃o in forma p̃d̃ habere fatiat. In cuius &c. Teſte &c.

¶ Mes tiels grants ne ſont in vſe a ceſt iour.

¶ Graunt le roy a vn de ſes Chapl̃ de annuel penſion hors deſchequer, tanqz il ad luy ꝓmoꝰ a vn benefic̃ ē cē. B

¶ Rex omnibus ad quos &c. ſalutem. Attendent̃ grata & laudabilia obſequia, q̃ dilectus clericus noſter A. nobis ante hęc tempore gratant̃ exhibuit, ſup̃ quibus tā per dilectum & fidelem nr̃m W. q̃ alios fideles noſtros ſum̃ certitudinaliter informati, ſperanteſq; quod in nr̃is agend̃ ſuæ affect̃ & beneuolentiæ puritate continuabit ſucceſſiuis actibus in futur̃, ac volentes ipſum munere proſequi gratioſo reconceſſim̃ ei quandam annuā penſioñ xx. marcarum ꝓcipiend̃ ſingulis ann̄ ad ſcaccar̃ nr̃m ad feſta Paſchę & ſancti Mich. per æquales porcion̄, quouſq; ei per nos fuerit ꝓuiſū infra regn̄ Angl' de beneficio eccleſiaſtico qđ duxerit acceptand̃. In cuius &c. Teſte &c.

¶ Et eſt vn aut̃ grant en le Regiſter 295. fait per le roy a vn, de doñ luy authoꝛitie de reconcil̃ les enemies le roy, queux ont relinquiſh lour obeiſ. & ſoient adherents as auters enemines le roy, & de eux grant̃ ꝓdō, & le grāt eſt tiel. B

¶ Rex vniuerſis & ſingulis &c. ad quos &c. ſalutē. Sciatis quod nos de fidelitate probata, & circumſpectione prouida dilecti & fidelis noſtri Anthonij Lucy plenarie confidentes, dedimus eidem Anthonio pleñ tenor̃ preſent̃ poteſtat̃ nomine noſtro recipiend̃, ad finem & pacē nr̃am homines de ꝓtibus de Galoway in Scotia, ad finem & pacem nr̃am n̄ō exiſtent̃, & alios q̃ eiſdem Scotis contr̃ nos adherēt, ſeu adheſer̃, & cum eis contra nos de inimic̃itia nr̃a fuer̃, & qui ad fidem & pacem nr̃am venire voluer̃, & quos ad finem & pacem hm̃odi for̃ videritis admittend̃, & literas de pardonatione dictarum adheſitionis & inimicitię, necnon de hm̃odi admiſſione ad pacē nr̃am eiſd̃ hoībus pro ſecuritate ſua in hac parte nomine nr̃o faciend̃, Ratū & gratū habitur̃ quicquid idē Anthoñ fecerit nomine nr̃o in ꝓmiſſ'. In cuius &c. Teſte &c.

¶ Et eſt aut̃ grant fait al vn de cuſtody del caſtle, & del Arnoꝛ en ꝓcel, come a temps que pleiſt al roy, & bziefe ſur C

ceo direct a cesty q̄ aū le custodie auant a deliuer a luy le dit castle, & touts les implemẽts & chos. a cẽ apperteiñ &c.

¶ Et poyes la veier les patents fait al vic̄ dist̄ vic̄ del com̄, & auxy les patents faits as Eschetors del com̄, & auxy briefs al ant̄ vic̄ & Eschetors, de deliuerer a eux les rols & briefs &c.

D ¶ Et lēs patents de attendants direct as Archeuesq, Euesq, Abbots, & touts auters destre a eux attendū, & rēū en ceux chos. q̄ appertient a lour office, le forme de nomination destre fait per le roy al alt̄ Abbey, ou auter person de vn dest̄ vicar, & que l'abbe luy p̄sent̄ oust̄ al Ordinar̄. Et auxy le forme de reuocation fait per le roy de cē nominar̄, & auxy le forin̄ del brief q̄ le roy mand̄ al Ordinary de admitt̄ cē reuocar̄, & de admitt̄ auter person per auk nomination, appet̄ en le Regist̄ fol. 302.

¶ Et pluiors auters p̄zesentar̄ faits p̄ le roy, & auxy reuocation de s̄ p̄sentar̄, & auxy nominar̄ faits per le roy en son droit ou ē auk droit, la sont en cest Regist̄. ensuant. Et grants faits per le Roy de donation, & briefs direct al vic̄ de luy mitter en poss. & briefs la fait al Ordin̄ pur assign̄a vn p̄bend̄, Stallum in choro, & locū in capitulo, q̄ ad cē p̄bend̄ del collar̄ le Roy, & pluiors ratificar̄ la faits p̄ le roy a diuers incumbents des Esgl' ou p̄zebend̄, q̄ux ils ont en poss. come incumbents &c.

¶ Et pluiors formes de briefs faits al Abbes ou eueskes p̄ aū annuel penc̄ pur les Chapl' tanq̄ ils sont p̄zomotes al benefice. Et brefe al Chācel̄ de faire p̄sentar̄ en nosm̄ le roy de vn tiel chaplein le roy al p̄zimer voydans, de alt̄ benefice q̄ p̄zimes hap̄ void̄, q̄ appent al roy, & auxy grants per le roy de reseiū annuel penc̄ hors deschequer.

E ¶ Et diūs formes de brief de ,pin̄ sont la en le Regist̄. a pursuer, ou defend̄, ou rēū &c. ou a resign̄ benefice &c.

F ¶ Et le forme del resignar̄ &c. Et le forin̄ de fait̄ ,ptestar̄ quant home voile resigne son benefice &c. appet̄ en le time del Register en cest fol. 302. & en les fol. donques la ,pchein̄ ensuants.

¶ Et issint finist cest p̄zesent Treatise, appel Nouel Natura Breuium, le q̄l Lieur pleinm̄t declare les natures des briefs Originals, conteignes & expresses en le Register.

(.˙.)